

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ALYSSA MERCANTE,

Plaintiff,

-against-

JEFF TARZIA,

Defendant.

First Amended Complaint

Case No. 1:24-cv-08471-MKB

Jury Trial Demanded

PRELIMINARY STATEMENT

1. Modern video game enthusiasm is marked by the presence of semi-organized, outrage-driven campaigns for harassment, like 2014's infamous Gamergate.¹

2. In 2024, a small, Montreal-based narrative development and consulting company, Sweet Baby, Inc., found itself at the center of a fresh controversy, incorrectly accused by Gamergate enthusiasts of forcibly inserting gender, sexual, or ethnic minority characters into the game or otherwise tweaking its narrative presentation to favor a general liberal bent.²

3. Alyssa Mercante was a senior editor at the gaming news website and blog Kotaku,³ one of the longest-running and most successful gaming news websites. (Kotaku, along with its parent company G/O Media, has its primary place

¹ WIKIPEDIA, *Gamergate (harassment campaign)*, [https://en.wikipedia.org/wiki/Gamergate_\(harassment_campaign\)](https://en.wikipedia.org/wiki/Gamergate_(harassment_campaign)) (last accessed November 26, 2024)

² Megan Farokhmanesh, *The Small Company at the Center of 'Gamergate 2.0'* (Mar 14, 2024 10:22 AM), <https://www.wired.com/story/sweet-baby-video-games-harassment-gamergate/>

³ KOTAKU, <http://www.kotaku.com/> (last accessed November 26, 2024)

of business in New York.)

4. Kotaku has long enjoyed the derision and ire of a certain set of “alt-right” trolls online for its perceived liberal or leftward bias in covering video games and issues related to gaming.

5. Those critical of Kotaku gather in special reddit forums and elsewhere to mock and harass its employees, e.g., <http://www.reddit.com/r/kotakuinaction>.

6. Among these vociferous, ceaseless critics is Jeff Tarzia, an aspiring social media influencer who publishes videos related to video games on the popular online video platforms YouTube and Rumble under the moniker “SmashJT.”

7. Tarzia has declared Kotaku to be “everything wrong with the video game industry.”⁴

8. In fact, Tarzia created a petition⁵ at Change.org “to have Kotaku shut down,”⁶ stating “we demand accountability from Kotaku” and exhorting his viewers to “join this movement to uphold the standards we as a community deserve in the video game industry.”⁷

9. Tarzia did not stop there. He created a page on his website called “Kotaku Detected,” where he maintains “a comprehensive directory of individuals

⁴ Jeff Tarzia, *Kotaku Detected*, SMASHJT, <https://www.smashjt.com/kotaku-detected> (last accessed November 26, 2024)

⁵ Jeff Tarzia, *Demand the Shutdown of Kotaku for the Betterment of Video Game Journalism*, CHANGE.ORG (May 6, 2024) <https://www.change.org/p/demand-the-shutdown-of-kotaku-for-the-betterment-of-video-game-journalism> (last accessed November 26, 2024) (archive: <https://archive.is/OJm1Z>)

⁶ Jeff Tarzia (@SmashJT), YOUTUBE, *I want to end Kotaku...* (May 6, 2024), <https://www.youtube.com/watch?v=IQpQcLgKNXA>, 00:00-00:30 (last accessed November 26, 2024).

⁷ *Id.* at 09:32:01.

who work, have worked, or are in some way related to Kotaku” with the intent to “spotlight the people behind Kotaku’s content and hold them accountable for their actions.”

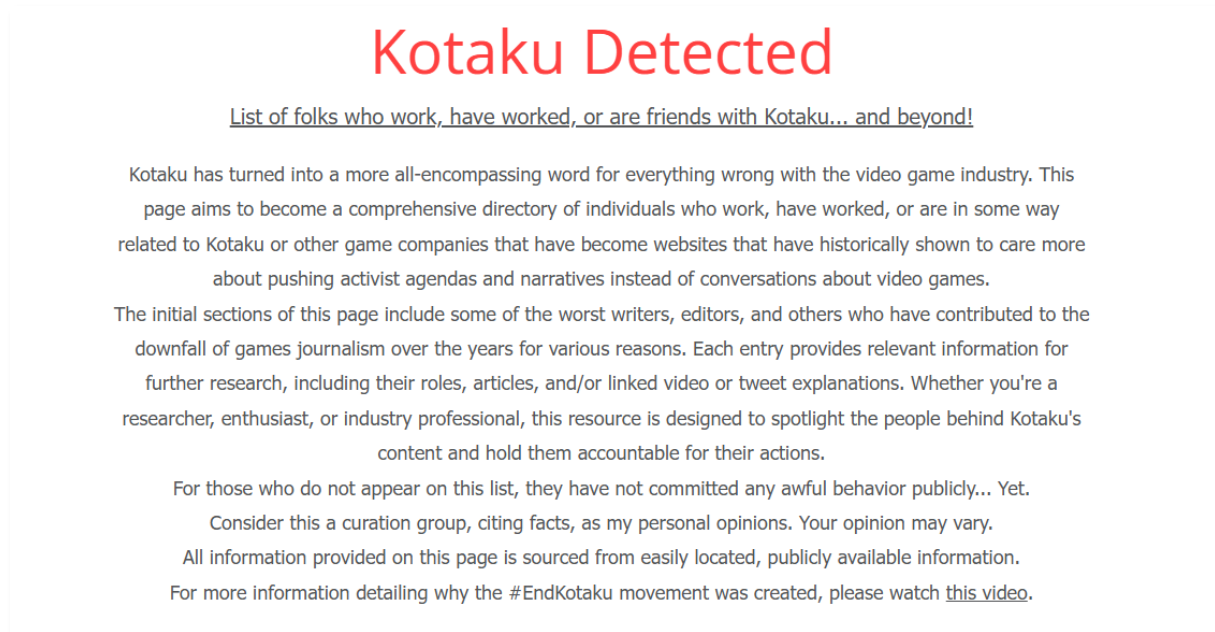


Figure 1, a screenshot from <http://www.smashjt.com/kotaku-detected>

10. Most of the individuals listed on Tarzia’s “End Kotaku” page are women, people of color, non-binary individuals, people on the LGBTQ+ spectrum, and/or Jewish people.

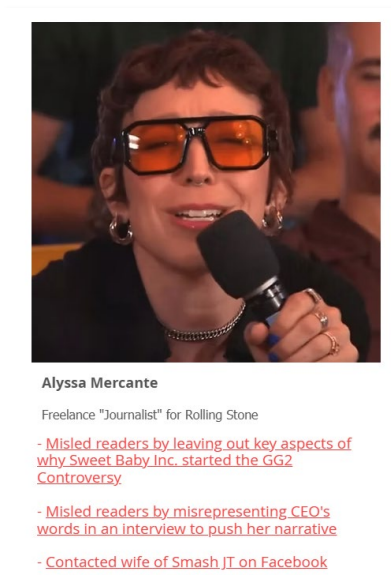


Figure 2 - Alyssa Mercante as she appears on End Kotaku

11. Tarzia is not a mere bystander or collateral commentator, by his own admission.⁸

12. He has exhorted his followers to “Join us in holding these individuals responsible for their contributions to the current state of games journalism.”⁹

13. Tarzia took aim at Mercante after she published an article refuting many of the lies, fabrications, and distortions around the consulting business of Sweet Baby, Inc.

14. Those clamoring for Sweet Baby, Inc’s demise chose the appellation “Gamergate 2.0” for themselves. Enterprising gifters tapped into that wave of rising outrage to lift their own profiles.

⁸ Jeff Tarzia, *Genshin Impact Conspiracy Blows Lid Off ‘DEI Mafia’*, SMASHJT (July 18, 2024), <https://www.smashjt.com/post/genshin-impact-conspiracy-blows-lid-off-dei-mafia> (last accessed November 26, 2024)

⁹ Jeff Tarzia, *Kotaku Detected Resource Created On SmashJT.com*, SMASHJT (May 24, 2024), <https://www.smashjt.com/post/kotaku-detected-resource-created-on-smashjt-com> (last accessed November 26, 2024)

15. Mercante’s article debunking the conspiracy theory against Sweet Baby, Inc., led to Tarzia beginning a campaign of hatred and harassment against Mercante, making hundreds of posts and videos specifically about her.

16. Tarzia’s channel, and therefore his notoriety and revenue, grew exponentially due to his content about Mercante.

17. In the beginning, much of Tarzia’s content was lawful: hyperbolic, vitriolic, incorrect, conspiratorial, paranoid, juvenile, and crass, but lawful.

18. But in the fast-moving world of the outrage-driven Internet, unless content creators are providing fresh “salt”¹⁰ for their consumers, the consumers will move on to an outrage merchant who shouts louder, uses more profanity, and feeds their need for simulated hatred of a perceived enemy.

19. Thus, Tarzia was never going to be satisfied with simply criticizing Mercante. His desire and need to sustain his growth as an influencer meant that eventually he would cross the line from protected speech and conduct to illegal, unprotected speech and conduct.

20. On or about September 8, 2024, Tarzia was given an opportunity to recant his lies and reduce the vitriol in the discourse. Tarzia took this opportunity to double-down on his conduct, finding new ways to become even worse in tone, content, and directedness of his attacks and calls for harassment.¹¹

¹⁰ In the argot of the video game enthusiast, “salt” is manufactured drama that can be consumed vicariously, like reality programming or gossip journalism.

¹¹ Jeff Tarzia (@SmashJT), TWITTER, <https://x.com/SmashJT/status/1811621628968853559> (Jul 11, 2024) (last accessed November 26, 2024)



Figure 3 - in his own words

21. Tarzia was telling the truth: he was going to pull *every* lever, regardless of whether he knew doing so involved lying.

22. Since receiving an indication that his conduct was illegal and violated numerous state and federal laws, Tarzia has not only continued to produce content about Mercante but has continued the very same conduct which originally transgressed the rather lenient boundaries afforded to him.

23. Tarzia's conduct, which began with him, did not end with him.

24. That was Tarzia's intent.

25. On or about February 24, 2025, Tarzia stated on his YouTube channel that he started Kotaku Detected "trying to be showing a mirror to these people" and intended to hold them "accountable."¹²

26. As a result of his focus on Mercante and her rising star in video games journalism, she became a target for further harassment that eventually led to her resignation from Kotaku.

27. This case is not simply one of someone being mean to someone on the

¹² <https://x.com/SmashJT/status/1891319149839696031>, at approximately 1:00:29:02 to 1:00:55:15

Internet.

28. This is a case where an outrage merchant, looking to boost his own profile, has latched on to a journalist merely covering the noteworthy stories of the day.

29. He made it his mission to lie, distort, and fabricate about her for views and clout until she leaves the industry.

30. Rather than this being a case about the free speech of Jeff Tarzia, this is about a coordinated outrage and harassment campaign ultimately aimed at silencing Alyssa Mercante via the old-fashioned, and illegal, tactics of yellow journalism: libel, harassment, violation of civil rights, and the intentional infliction of such emotional distress that people retire from the marketplace of ideas altogether, rather than face the daily attacks of a mindless and savage mob.

THE PARTIES

31. Plaintiff, Alyssa Mercante, is a resident of the State of New York and the County of Kings. Alyssa Mercante's address is redacted herein due to threats made against her as the basis of this lawsuit, but such information will be revealed to the Court *in camera*. She may be served with any process through her counsel of record identified below.

32. Defendant, Jeff Tarzia, is a resident of the State of California and the County of San Diego. He may be served through his counsel of record, Ronald D. Coleman.

JURISDICTION AND VENUE

33. Jurisdiction in this case is based upon federal diversity under 28 U.S.C. § 1332.

34. Plaintiff Alyssa Mercante is a citizen of the State of New York.

35. Defendant Jeff Tarzia is a citizen of the State of California.

36. This court has jurisdiction over Jeff Tarzia because he directed activities towards the state of New York via his #EndKotaku campaign on his interactive website located at <http://www.SmashJT.com> (the “SmashJT Website”), which is hosted in New York and on which he conducts business, as well as his targeted attacks on Mercante which were intended to cause damage to her.

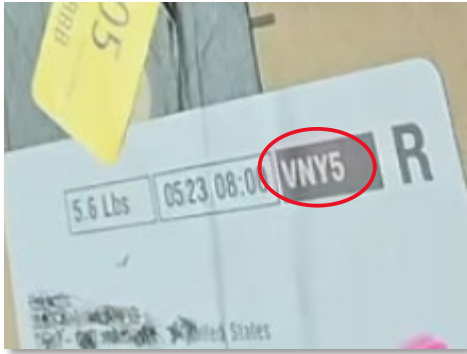
37. Tarzia has also directed his activities towards New York via his affiliation with other New York-based influencers and his deliberate and knowing use of their platforms to further his defamatory harassment campaign against Mercante.

38. Tarzia has further appeared on the YouTube channel of fellow streamer RealHypnotic1 (“Hypnotic”), who streams from his residence in Long Island, to discuss Mercante and further encourage her harassment.

39. Plaintiff states on information and belief that Hypnotic is in New York because he posts frequent “unboxing” videos on his secondary YouTube channel dedicated to showcasing his collection of manga (Japanese comic books).

40. Many of these packages are from Amazon, and the stickers identifying

the Amazon warehouse the packages were shipped to for delivery to Hypnotic's house by Amazon's fleet of delivery drivers are easily visible in these videos.



Amazon delivery pick-up locations from Hypnotic's unboxing videos^{13 14}

41. Amazon Warehouse VNY5 is located at 90 Ruland Rd, Melville, NY 11747.

42. Amazon Warehouse DYY9 is located at 200 Miller Pl, Syosset, NY 11791.

43. Therefore, based on information and belief, the ship-to address for Hypnotic is also in New York.

44. Tarzia has sent goods to Hypnotic by mail.¹⁵

45. On information and belief, Tarzia is therefore aware that Hypnotic's residence is in New York.

¹³ Hypnotic (@hypnoticmanga), *This Manga is AMAZING For My Collection*, May 23, 2024 at 00:02, <https://www.youtube.com/shorts/PWiIXaKGUDw> (last accessed April 18, 2025)

¹⁴ Hypnotic (@hypnoticmanga), *This is the BEST VERSIONS of the Full Metal Alchemist MANGA*, June 25, 2024, at 0:00 <https://www.youtube.com/shorts/Wq9gXSxf794>

¹⁵ Hypnotic (@hypnoticmanga), *A Subscriber Sent Me This AWESOME Package From COMIC Con*, August 8, 2024, <https://www.tiktok.com/@hypnoticmanga/video/7398700460145708331> (last accessed April 17, 2025).

46. Tarzia has other associates in New York who amplify his targeted and harassing content, including Selma Adorno, who streams as “ToastywiththeMosty” and who lives in Brooklyn, New York, and Louis Testone, Jr., who streams as “RevSaysDesu” and who lives in Jamesville, NY.

47. Mercante is a frequent topic of these streams.

48. Tarzia runs a website, located at <http://www.SmashJT.com> (the “SmashJT Website”), which hosts many of his defamatory statements and serves as the base for much of his harassing content.

49. The SmashJT Website includes a section entitled “Kotaku Detected,” which features extensive dossiers of current and former Kotaku employees.

50. Tarzia describes this project as follows:

Welcome to the comprehensive directory of individuals who work, have worked, or are in some way related to Kotaku, a website that has historically shown to care more about pushing activist agendas and narratives instead of conversations about video games. This page includes some of the worst writers, editors, and others who have contributed to the downfall of games journalism over the years. Each entry provides relevant information for further research, including their roles, articles, and/or linked video explanations. Whether you're a researcher, enthusiast, or industry professional, this resource is designed to spotlight the people behind Kotaku's content and hold them accountable for their actions.

For those who do not appear on this list, they have not committed any awful behavior publicly... Yet.¹⁶

51. The page additionally states, “For more information detailing why the

¹⁶ Jeff Tarzia, *Kotaku Detected*, SMASHJT, <https://www.smashjt.com/kotaku-detected> (last accessed April 17, 2024)

#EndKotaku movement was created, please watch this video.”

52. The word “video” links to a YouTube video on the SmashJT Youtube Channel entitled “I want to end Kotaku. #EndKotaku”.

53. *Kotaku* is a popular, online video gaming blog owned by G/O Media with its principal place of business at 1290 6th Ave., New York, New York 10104.

54. The SmashJT website is hosted with Wix.com (“Wix”), a web hosting and website design service with its principal place of business at 100 Gansevoort Street, New York, NY 10014 USA.

55. Some of the features and services available through Wix are subject to payment (the “Wix Paid Services”).

56. The Wix terms of service include a choice of law and venue clause relevant to the use of the Wix Paid Services which states that “if you are located in the United States of America, (i) the legal jurisdiction governing all aspects of the payment transaction contemplated by Section 6 between you and Wix will be the State of New York” and that “(ii) any and all claims and disputes related to such payment transaction contemplated by Section 6 shall be brought in, and you hereby consent to them being decided exclusively by, a court of competent jurisdiction located in New York, New York.”

57. On information and belief, the SmashJT Website relies on many of the Wix Paid Services.

58. Tarzia’s use of the Wix Paid Services to maintain the SmashJT Website and make its content and features, including his defamatory and harassing

statements about Mercante, available to his users constitutes transacting business in New York.

59. The SmashJT Website is not a “passive” website through which Tarzia simply makes information available.

60. Rather, the SmashJT Website is highly interactive; users can create accounts on the website, sign up to be notified when new content is posted, and comment below each of the posts on the website, exchanging information with Tarzia and with other users of the SmashJT Website.

61. Many of these comments are responding to and discussing articles about Mercante.

62. Users can also shop for SmashJT-branded merchandise in the “Shop” area of the SmashJT Website (the “SmashJT Shop”), located at <https://www.smashjt.com/shop>.

63. Not all of the content on the SmashJT Website is available for free. Some of the articles are available only to subscribers.

64. One such subscriber-only article is *Alyssa Mercante’s ‘Lawsuit’ Scam EXPOSED*,¹⁷ (the “Paywalled Article”) which references Tarzia’s previous defamatory statements about Mercante and promises more salacious details behind a paywall.

65. On information and belief, Tarzia posted the Paywalled Article as part

¹⁷ Jeff Tarzia, *Alyssa Mercante’s ‘Lawsuit’ Scam EXPOSED*, SMASHJT (August 21, 2024), <https://www.smashjt.com/post/alyssa-mercante-s-lawsuit-scam-exposed>

of his harassment campaign against Mercante, described in greater detail below.

66. Tarzia sells subscriptions to the SmashJT website for \$4.99 per month, through and using Wix.¹⁸

67. Therefore, Tarzia collects significant revenue in New York, Between the SmashJT Shop and the offering of subscription-only content for a monthly fee, Tarzia clearly does business over the internet via the SmashJT Website.

68. Further, as described more fully below, the SmashJT Website is not incidental to Tarzia's conduct: it is the very base from which all of his other media springs, and is the ultimate source of his defamatory statements, harassing conduct, and from whence he conducts his campaign of harassment and emotional terrorism against Mercante.

69. Tarzia makes frequent use of New York residents to amplify and spread his message.

70. Tarzia deliberately targets New York residents as both topics of his message and targets for harassment by his fans.

71. Tarzia's contact with the State of New York is more than merely incidental or unintentional.

72. Tarzia fully intends that his communications are sent to, viewed, reacted, and have their effect in New York.

73. The amount in controversy in this case is more than \$75,000.00, because Tarzia's commercial enterprise is largely built off of, and dedicated to, the

¹⁸ <https://www.smashjt.com/plans-pricing>

disparaging, harassing, intimidating, and stalking of Alyssa Mercante. His income has exceeded \$75,000.00 in calendar year of 2024 alone, and at least \$75,000.00 of that is directly based upon factually false statements made by Tarzia about Alyssa Mercante. Additionally, the harms to Mercante because of the mob Tarzia has incited and the related harassment all far exceed \$75,000.00 in damages.¹⁹

FACTS

A. Background

1. A Brief History of Gamergate

74. In August 2014, a man named Eron Gjoni posted to his blog accusing his ex-girlfriend, Zoe Quinn, of sleeping with a Kotaku journalist for a favorable review of her independent video game “Depression Quest.”²⁰

75. That blog post spread to internet forums like 4chan, 8chan, and Reddit, where an organized harassment campaign formed against numerous targets, such as women in the gaming industry, games journalists perceived to be biased or who promoted a liberal or left-wing slant in their coverage, and game developers who produced video games seen as catering to audiences other than straight, white men.²¹

76. Actor Adam Baldwin described this harassment campaign as “Gamergate” on August 27, 2014. Prominent influencers within the videogame

¹⁹ To be clear, this is a jurisdictional allegation. Plaintiff’s damages will be determined by a jury, and Plaintiff alleges \$75,000.00 solely as a floor – not as any suggestion of a cap.

²⁰ Abby Wilson, *What was Gamergate – and why are we still talking about it?*, THE WEEK (August 5, 2024), <https://theweek.com/culture-life/what-was-gamergate-and-why-are-we-still-talking-about-it> (last accessed November 26, 2024)

²¹ [https://en.wikipedia.org/wiki/Gamergate_\(harassment_campaign\)](https://en.wikipedia.org/wiki/Gamergate_(harassment_campaign))

space adopted the term, which quickly entered widespread use.²²

2. *Gamergate Targets Kotaku*

77. Kotaku rapidly became a central target of this movement, particularly through the reddit subforum “kotakuinaction.”²³

78. Kotaku self describes as “an inclusive site for gamers of any ethnicity, gender or sexual orientation. We expect our writers and commenters to treat those they write about as they would if they met them in person. Not mistaking honesty with cruelty, approaching everything with good faith, and affording people grace are paramount to creating a good culture within this site.”²⁴

79. Because Kotaku’s editorial position is left-of-center and inclusive, it is a lightning rod for the type of criticism wielded by Tarzia and his ilk.

80. As demonstrated by Tarzia’s stated mission to “End Kotaku,” Kotaku is itself a shibboleth in the gaming journalism industry; it is the eidolon of the “enemy” for people like Tarzia.

3. *Alyssa Mercante*

81. Until Tarzia’s campaign of harassment took the toll he intended it to take, Alyssa Mercante was a senior editor at Kotaku.

82. Alyssa Mercante has written for other publications, such as Jalopnik, Jezebel, GamesRadar, SFX, and Rolling Stone.

²² Aja Romano, *What we still haven’t learned from Gamergate*, VOX (Jan 7, 2021, 8:43 AM PST), <https://www.vox.com/culture/2020/1/20/20808875/gamergate-lessons-cultural-impact-changes-harassment-laws> (last accessed November 26, 2024)

²³ REDDIT, <http://www.reddit.com/r/kotakuinaction> (last accessed November 26, 2024)

²⁴ KOTAKU, <https://kotaku.com/whats-a-kotaku-who-works-here-458637663> (last accessed November 26, 2024)

83. Mercante is also active on social media, where she is not a demure, wilting flower. She is bold, brassy, and opinionated.

84. Because of Mercante's prominent role, outspoken views, and position at Kotaku, she became a target for the ire of Tarzia and his ilk.²⁵

85. Mercante, who as a female journalist active in the video game space lived through Gamergate the first time, is perfectly poised to report on its re-emergence.

86. As a result of Tarzia's dedicated campaign against her, Mercante left her position at Kotaku.

87. Without Tarzia's relentless focus on Mercante, Kotaku's managerial staff would never have felt any pressure to part ways with her.

4. Jeff Tarzia

88. Jeff Tarzia is a former game industry worker, former recruiter, former game tester, and former game master at Sony in California who currently makes his living as an aspiring influencer within the video game and popular culture space, with his own website, YouTube channel, and various social media pages.

89. Tarzia covers video games and video game culture from a generally right-of-center to conservative point of view.

90. Tarzia fits within a cultural phenomenon known as the "alt-right," or alternative right wing, a loosely affiliated group of mostly younger conservative

²⁵ Jeff Tarzia, *Alyssa Mercante Sent Me a Cease & Desist...*, SMASHJT (September 26, 2024), <https://www.smashjt.com/post/alyssa-mercante-sent-me-a-cease-desist> (last accessed November 24, 2024)

pundits who eschew much of the traditional trappings of conservatism in favor of a more activist, more confrontational, style.²⁶

91. Video games and video game culture have long been a fertile recruiting ground for right-wing politics, and there is certainly a lucrative demand for creators within that space.²⁷

92. Tarzia markets himself to, and uses the language of, the alt-right within the space of video games and video games culture.

93. Tarzia operates a channel on the popular video sharing and publication platform YouTube under the name “SmashJT” (the “SmashJT YouTube Channel”).²⁸

94. Tarzia also operates a Twitter account under the username @SmashJT (the “SmashJT Twitter Account”).

95. Tarzia further operates a website at <http://www.SmashJT.com> (the “SmashJT Website”).

96. On information and belief, Tarzia is the sole and exclusive publisher of content to the SmashJT YouTube Channel, the SmashJT Twitter Account, and the SmashJT Website. No other contributors are ever credited for the media produced by these outlets.

²⁶ Southern Poverty Law Center, *Alt-Right*, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/alt-right> (last accessed November 26, 2024)

²⁷ Sean Burch, *How Steve Bannon Mined ‘Intense Young Men,’ From ‘World of Warcraft’ to the White House*, THE WRAP (August 21, 2017 at 5:03 PM), <https://www.thewrap.com/how-world-of-warcraft-propelled-steve-bannon-to-the-white-house/> (last accessed November 26, 2024)

²⁸ Jeff Tarzia (@SmashJT), YOUTUBE <https://www.youtube.com/@SmashJT> (last accessed November 26, 2024)

97. The content Tarzia publishes to the SmashJT YouTube Channel, the SmashJT Twitter Account, and the SmashJT Website is available and accessible throughout the United States, including in the state of New York.

98. Much of Tarzia's content is targeted specifically at Mercante and Kotaku by name.

B. Tarzia's Escalating Campaign of Negativity Toward Mercante

1. Tarzia attaches himself to Gamergate 2.0's coattails.

99. Prior to March 13, 2024, Tarzia was a small-time pundit within a large pond of influencers.

100. During this time, Mercante wrote an article debunking a right-wing myth that a consulting agency, Sweet Baby, Inc., was exerting undue influence on video game design decisions to force left-wing views, diverse character casts, and other bugbears of the alt right upon video games.²⁹

101. The reaction from reactionaries was predictable.³⁰

102. Tarzia first rose to relative prominence on or about March 13, 2024, when he tweeted at video games journalist Paul Tassi to complain about Mercante.

²⁹ Alyssa Mercante, *Sweet Baby Inc. Doesn't Do What Some Gamers Think It Does*, KOTAKU (March 6, 2024), <https://kotaku.com/sweet-baby-inc-consulting-games-alan-wake-2-dei-1851312428> (last accessed November 26, 2024)

³⁰ 'Sliver80', *Kotaku Editor Alyssa Mercante Lies About Sweet Baby Inc. Backlash During CBC Radio Appearance, Claims Steam Curator List Was Made To "Prevent People From Buying And Playing These Games,"* REDDIT (/r/kotakuinaction) (March 21, 2024), (https://www.reddit.com/r/KotakuInAction/comments/1bkay21/kotaku_editor_alyssa_mercante_lies_about_sweet/) (last accessed November 26, 2024)



Figure 4 - Tarzia first mentions Mercante

103. Prior to this tweet, Tarzia was out of work and had no source of income other than his YouTube channel, which had accumulated barely more than 20,000 subscribers since its inception in 2017.



Figure 5 - Tarzia posts a graph of his channel's popularity and subscriber numbers

104. His website was full of articles he had written that were getting no more than one or two views each.³¹

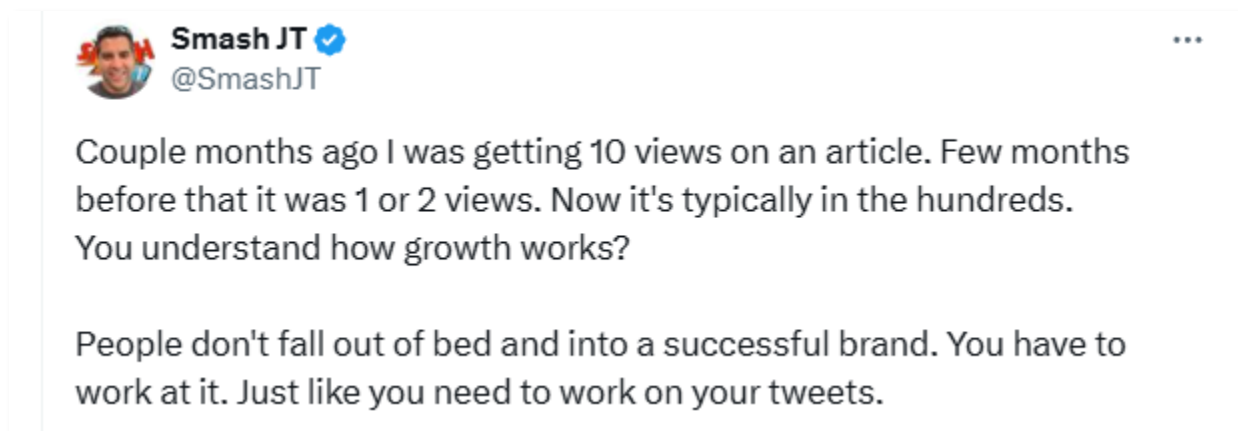


Figure 6 - Tarzia admits his growth is due to his attacks on Mercante

105. In early March, Tarzia published an article titled ["Sweet Baby Inc."](#)

³¹ Jeff Tarzia (@SmashJT), TWITTER, <https://x.com/SmashJT/status/1825352285062602945> (Aug 18, 2024 at 7:01 PM) (last accessed November 26, 2024)

Gaming Narratives EXPOSED” in which he included a screenshot of one of Mercante’s Twitter posts with the caption “Of course Kotaku joins the cause.”³²

106. When the term “Gamergate 2.0” was coined to describe this latest foray into the video game culture wars, Tarzia picked up on the label and began to use it in regard to Alyssa Mercante.

107. In early March 2024, Tarzia shared on X (formerly Twitter) a post that read “Kotaku accountability summed up” with a screenshot of a conversation between Ms. Mercante and Mark Kern, another right-wing popular culture influencer.

108. On March 9, 2024, Tarzia shared on X (formerly Twitter) a screenshot of popular games industry writer Jeff Grubb replying favorably to Mercante’s story with the caption “Never meet your heroes, kids.”³³

109. The locus of Tarzia’s disappointment seemed to be that Grubb was “biased” because he responded with “Thank you” to Mercante.

110. Tarzia went on to complain that rather than provide Tarzia with a discussion or rebuttal, Grubb unceremoniously blocked Tarzia.

³² Jeff Tarzia, *Sweet Baby Inc. Gaming Narratives EXPOSED*, SmashJT (March 7, 2024), <https://www.smashjt.com/post/sweet-baby-inc-gaming-narratives-exposed> (Archive: <https://archive.is/PmADN>)

³³ Jeff Tarzia, *Jeff Grubb’s Self-Destruction*, SMASHJT (March 13, 2024) <https://www.smashjt.com/post/jeff-grubb-s-self-destruction> (last accessed November 26, 2024)

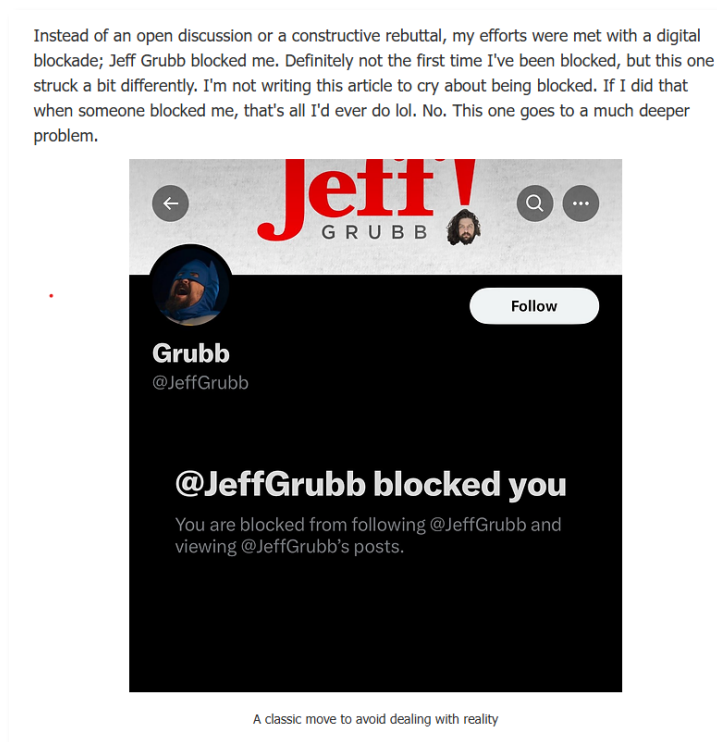


Figure 7 - in which Tarzia asks not to put it in the paper that he got mad.

111. On March 10, 2024, Tarzia posted a YouTube video titled “Eurogamer CAUGHT Defending Sweet Baby Inc. & Gamergate 2.0” and a tie-in story on his website.³⁴

112. On and after March 12, 2024 after drastically increasing his output on X, focused almost entirely on the Sweet Baby controversy, Tarzia posted a YouTube video called “The TRUTH behind Gamergate 2”³⁵ and a tie-in story on his website.³⁶

113. The YouTube video information reads: “Gamergate 2 is well underway,

³⁴ Jeff Tarzia, *Eurogamer EXPOSED By Community Notes For Defending Sweet Baby Inc.*, SMASH JT (March 10, 2024) <https://www.smashjt.com/post/eurogamer-exposed-by-community-notes-for-defending-sweet-baby-inc> (last accessed November 26, 2024)

³⁵ Jeff Tarzia (@SmashJT), *The TRUTH Behind Gamergate 2* (March 12, 2024), <https://www.youtube.com/watch?v=xX5oD2SYDJ4> (last accessed November 26, 2024)

³⁶ Jeff Tarzia, *Media Pushes Forward On Gamergate 2 Agenda*, SMASHJT (March 12, 2024), <https://www.smashjt.com/post/media-pushes-forward-on-gamer-gate-2-agenda> (last accessed November 26, 2024)

thanks to the narrative being pushed forth by the video game industry media agenda. It all started with Kotaku (shocker, I know).”

114. Tarzia threw all of his weight behind being one of the loudest voices behind the “Gamergate 2.0” drum, fueled almost entirely by commenting on the work of Mercante.

2. Tarzia’s star waxes as his vitriol increases.

115. Throughout the remainder of March and April 2024, Tarzia continued to taunt Mercante specifically by name, ironically accusing her of being “obsessed” with him.

116. Between March 14, 2024 and March 30, 2025, Tarzia has published 96 videos about Mercante, counting only those videos where she is a substantive topic of discussion, or her name or face appears in the title or thumbnail of the video.

117. The total running time of those 93 videos is over 150 hours.

Alyssa Is OBSESSED...

Exposing Alyssa Mercante's Troubling Fixation - and how reverse psychology doesn't work...



She's got some baggage...

Alyssa Mercante just can't stop talking about me, but as I've told her multiple times before, I'm happily married, and she should look elsewhere to pursue other options. Apparently, she can't take 'no' as an answer. Her recent series of tweets have shed light on a concerning pattern of obsession and hostility.

Alyssa began it all back when she was directing her attention towards me, not being the biggest fan of [the petition I created](#) to #EndKotaku. She let me know about her feelings on Twitter and displayed a sense of anger when I retweeted someone who posted a thumbnail that she took offense to.

Figure 8 - Tarzia accuses Mercante of being obsessed with him

118. On or about May 18, 2024, Tarzia posted a rant about how Mercante was allegedly going to take legal action against him.³⁷

³⁷ Jeff Tarzia, *Alyssa Mercante THREATENS Legal Action Against Smash JT*, SMASHJT (May 18, 2024) <https://www.smashjt.com/post/alyssa-mercante-threatens-legal-action-against-smash-jt> (last accessed November 26, 2024)

Recently, the X account for Alyssa Mercante (@Alyssa_Merc) has suggested they may take legal action against Smash JT regarding my coverage of developing stories in the video game industry.

This announcement came through both public tweets and private direct messages, raising significant concerns for me and my family about the nature of the claims... and the potential implications for free speech and journalistic integrity. You know, that thing she claims to be.

My full statement posted to Twitter/X:



No Direct Communication Received

As of now, Smash JT has not received any requests for edits, redactions, deletions, or any other modifications to the videos or articles in question. This lack of information about what it is exactly that she has an issue with is concerning, as it leaves me in the dark about the specific grievances Alyssa Mercante has with my content.

Figure 9 - Tarzia admits he has not received any specific communications from Mercante.

3. #EndKotaku and Kotaku Detected

119. On May 6, 2024, Tarzia made his aims clear, stating on the SmashJT Website, “I want to shut down Kotaku”³⁸ along with the hashtag #EndKotaku in a post that called Mercante out by name.

120. That same day, Tarzia created a petition at Change.org “to have Kotaku shut down,” stating “we demand accountability from Kotaku” and exhorting

³⁸ Jeff Tarzia, *I Want to Shut Down Kotaku #EndKotaku*, SMASHJT (May 6, 2024), <https://www.smashjt.com/post/i-want-to-shut-down-kotaku-endkotaku> (last accessed November 26, 2024)

his viewers to “join this movement to uphold the standards we as a community deserve in the video game industry.”³⁹

121. Tarzia did not stop there. On May 24, 2024, he created a page on his website called “Kotaku Detected,”⁴⁰ where he maintains “a comprehensive directory of individuals who work, have worked, or are in some way related to Kotaku” with the intent to “spotlight the people behind Kotaku’s content and hold them accountable for their actions”⁴¹ and declaring that Kotaku was “everything wrong with the video game industry.”

122. The vast majority of the individuals listed on Tarzia’s “End Kotaku” page are women, people of color, non-binary individuals, LGBTQ+ people, or Jewish people.

123. Tarzia is not a mere bystander or collateral commentator, by his own admission. He has exhorted his followers to “Join us in holding these individuals responsible for their contributions to the current state of games journalism.”

124. By “hold accountable,” Tarzia is speaking in code for “harass into silence.”

³⁹ Jeff Tarzia, Demand the Shutdown of Kotaku for the Betterment of Video Game Journalism, CHANGE.ORG (May 6, 2024) <https://www.change.org/p/demand-the-shutdown-of-kotaku-for-the-betterment-of-video-game-journalism> (last accessed November 26, 2024) (archive: <https://archive.is/OJm1Z>)

⁴⁰ Jeff Tarzia, *Kotaku Detected*, SMASHJT, <https://www.smashjt.com/kotaku-detected> (last accessed November 26, 2024) (archive: <https://archive.is/TM7F7>)

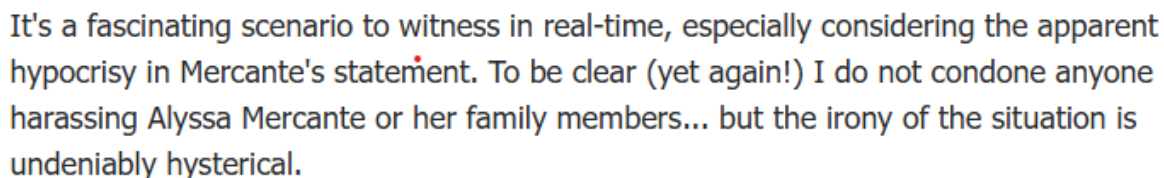
⁴¹ “Hold them accountable,” in Tarzia’s terms, refers to removing said person or persons from the video game journalism industry through a combination effect of constant criticism, bullying, harassment, and threats to their person and livelihood through such means as revealing private information, posting personal matters publicly, and calling for viewers and fans to target those people specifically.

125. With one side of his mouth, Tarzia will feign a belief that harassment is bad and warn his followers against it, while showing his actual approval of such tactics by: (1) his own actions and (2) liking or reacting publicly and positively to harassing statements made against his targets by others.

126. “Kotaku refuses to hold their own employees accountable for their abhorrent actions. If you want something done right, sometimes you have to do it yourself.”

127. On May 17, 2024, Tarzia posted a story about how a malefactor purchased a domain name, alanamercante.com,⁴² and utilized that domain name to harass Mercante and her sister.⁴³

128. Tarzia purported to distance himself from the harassment, but he could not help egging it on.



It's a fascinating scenario to witness in real-time, especially considering the apparent hypocrisy in Mercante's statement. To be clear (yet again!) I do not condone anyone harassing Alyssa Mercante or her family members... but the irony of the situation is undeniably hysterical.

Figure 10 - Tarzia calls the harassment of Mercante and her sister “hysterical”

129. Tarzia’s public campaign did not include more conventional approaches to holding a corporation responsible (or, more conventional effort to, in some way, “end Kotaku”) such as contacting Kotaku’s sponsors, organizing a letter writing

⁴² Alana Mercante is Mercante’s sister.

⁴³ Jeff Tarzia, *Alyssa Mercante Website HACKED: A Lesson In Hypocrisy & Consequences*, SMASHJT (May 17, 2024) <https://www.smashjt.com/post/alyssa-mercante-website-hacked-a-lesson-in-hypocrisy-consequences> (last accessed November 26, 2024)

campaign to the editors, encouraging people to consume other media, and the like.

130. As stated in his May 17, 2024, article, Tarzia called Mercante's reaction to the harassment of her and her sister "pure comedy gold."⁴⁴

131. Tarzia again stated, with frank insincerity, that such harassment was "not an appropriate or mature response," while nevertheless gloating that it "highlight[ed] the consequences of one's actions."

It's not uncommon for individuals in the public eye to face backlash for their actions, especially when those actions are perceived as unjust or harmful. In Mercante's case, her involvement in various controversies may have led some to believe that purchasing her sister's domain name was a form of poetic justice or retribution. While professionally I'd say this is not an appropriate or mature response, it... does certainly highlight the consequences of one's actions.

Figure 11 - consequences, in Tarzia's world, are for his targets only, and never him.

132. Tarzia knew what the end result of his actions would be – financial, social, and employment consequences for Mercante, which was his goal all along.

Kotaku is a mess
While her employer Kotaku has yet to publicly state any reprimanding for her actions, and in some cases, even defended her... it may have swung the internet into taking a response on for them. This is unfortunately what happens in a public space when an employer refuses to acknowledge or act appropriately to correct the issue. Let me take this moment to once again remind you that I have a petition going to [#EndKotaku](#) and it has already surpassed 3,500 signatures. If you haven't already, [please consider signing the petition here](#).

Figure 12 - Tarzia weaponized "the internet" for his personal vendetta.

133. Tarzia's work frequently generates comments that threaten to go after the people he writes about.

⁴⁴ *Id.*

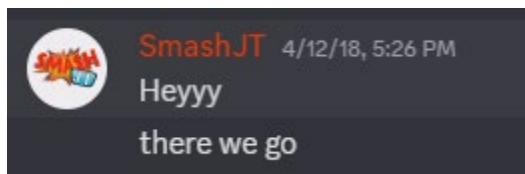


Figure 13 - Tarzia does nothing to stem this kind of ire.

134. Tarzia claims that his harassment campaigns have a real effect upon the industry, giving him every incentive to continue this behavior.⁴⁵

135. Tarzia maintains a Discord server called “Smash JT” and bearing the unique alphanumeric Discord Server ID 434085551080079373 (the “SmashJT Discord”).

136. Tarzia posts to his Discord under the name “SmashJT” with a profile picture of the logo he uses for his website and YouTube channel.



Tarzia's first post to the SmashJT Discord

137. On information and belief, only people with a paid subscription to the SmashJT YouTube channel are able to access the SmashJT Discord.

138. Tarzia's fans and followers frequently discuss Mercante in the SmashJT Discord, including their plans to bully, harass, and “sic the trolls” on her:

⁴⁵ Jeff Tarzia, *Developers Now AFRAID To Hire Anyone Who's Ever Worked For Sweet Baby Inc.*, SMASHJT (September 21, 2024) <https://www.smashjt.com/post/developers-afraid-to-hire-anyone-who-s-worked-for-sweet-baby-inc> (last accessed November 26, 2024)

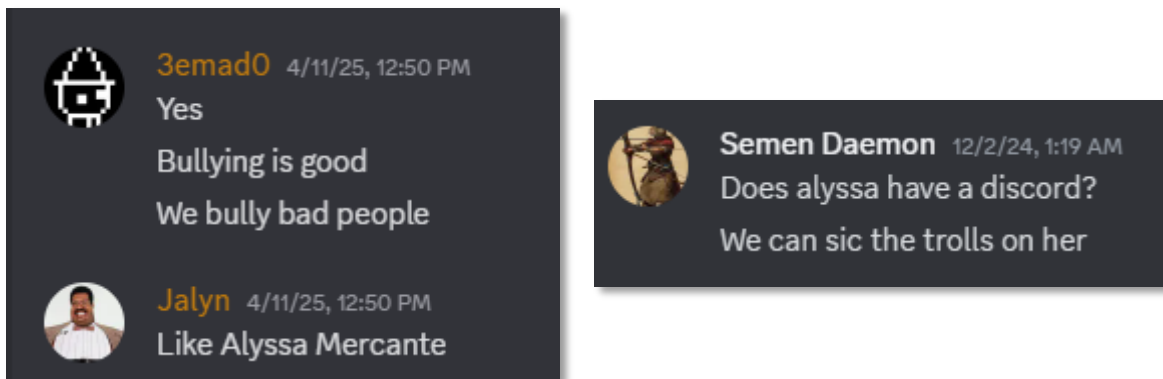


Figure 15 - users plan group harassment of Alyssa

Figure 14 - an example of harassment

139. Tarzia's fans also openly discuss their plans to target and harass members of Mercante's family.

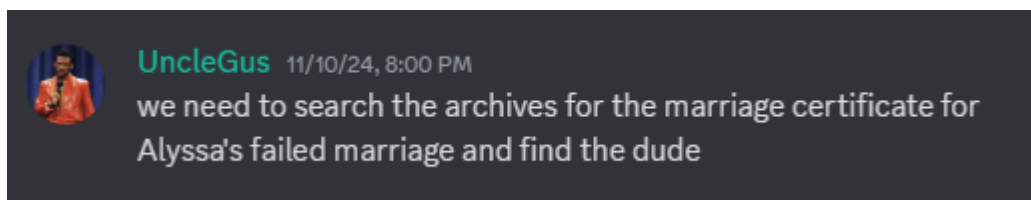


Figure 16 - SmashJT Discord user UncleGus describes his plans to harass Mercante's ex-husband

140. Tarzia acknowledges that his targeted harassment of Mercante is very profitable; when one of his followers told him "[Mercante]'s like a content mine,"

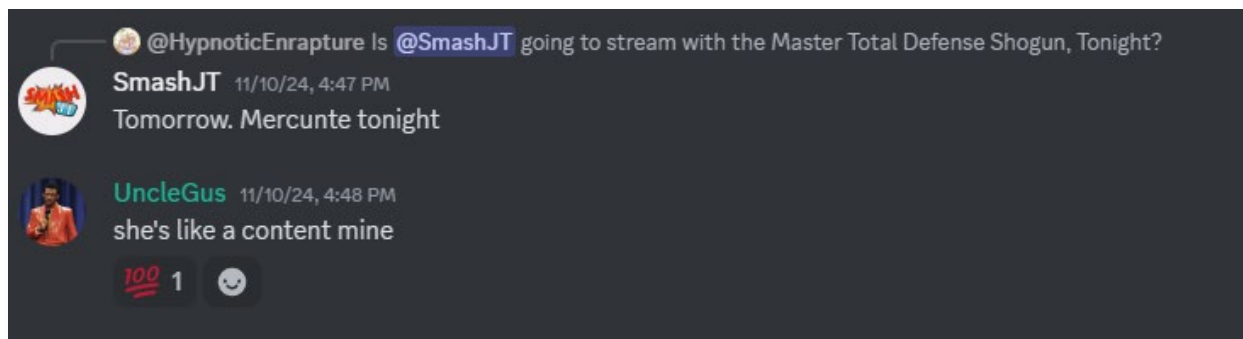
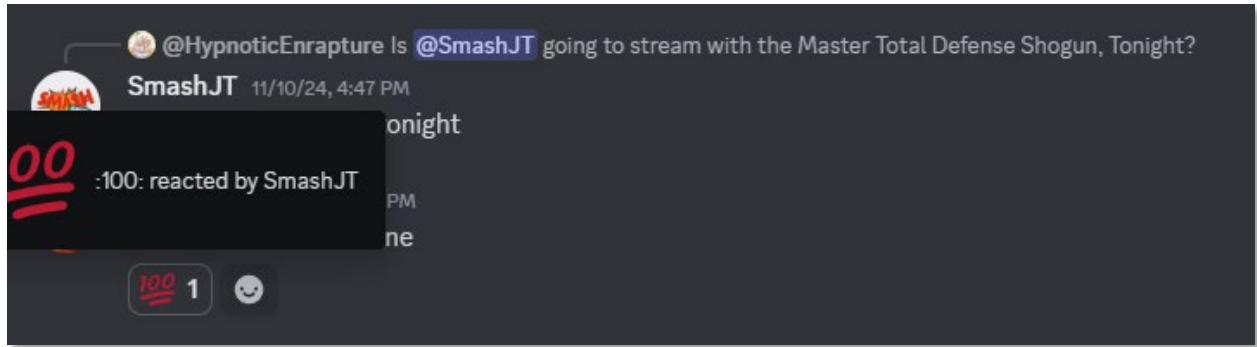


Figure 17 - Tarzia discusses his plans with his Discord users to coordinate harassment.



Tarzia responded with the “100” emote.

141. On information and belief, the “100” emote indicates “100%” agreement with the sentiment being expressed.

142. Tarzia has made it clear that he approves of and endorses the harassment his subscribers undertake in his name:

Figure 18 - Tarzia approves his fans' plans for harassment.

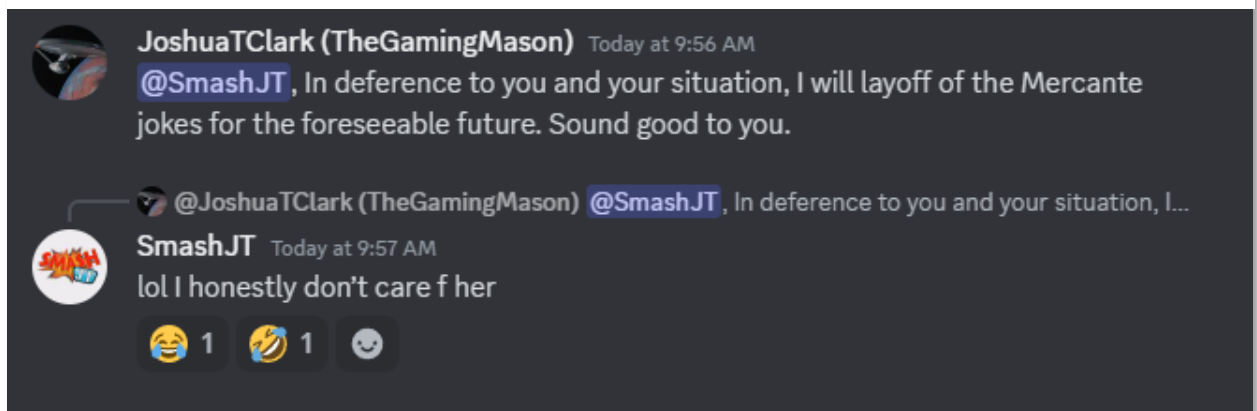


Figure 19 - Tarzia encourages his fans to harass Mercante.

C. Tarzia Crosses the Line

1. Tarzia's False Claims About Mercante

143. On or around March 30, 2024, Tarzia posted “Whorification”? What’s that? Like what @alyssa_merc does sucking dicks in her off time for money?” from the SmashJT Twitter Account.

144. On or about April 1, 2024, Tarzia published a video to the SmashJT YouTube Channel in which he stated, “Alyssa Mercante [...] has since come forward stating that she used to be a sex worker, sucking dicks for money before working at Kotaku.”⁴⁶

145. That same day, Tarzia repeated these claims on the SmashJT Website.⁴⁷

146. Mercante has frequently spoken on the topic of sex work and does not consider sex work to be improper.

147. Mercante has worked in the past selling erotic photographs of herself, which is a form of sex work.

148. Notably, being in support of sex work and working as a “cam girl” are not illegal actions. By contrast, engaging in sexual contact for money is a crime in New York. *See* New York Penal Law § 230.

149. Libelous publications which allege a crime do more than provide “mere insults.”

150. While impugning the chastity of a woman is a type of defamation *per se* in New York (see New York Civil Rights Law § 77), it is also a type of defamation *per se* to accuse someone falsely of a crime. *Geraci v. Probst*, 15 N.Y.3d 336, 344, 938

⁴⁶ Jeff Tarzia (@SmashJT), YOUTUBE, *I Went Viral (and They HATE Me For It!)* (April 1, 2024), <https://www.youtube.com/watch?v=4d6VDhZqArA> at 08:20 (last accessed November 26, 2024)

⁴⁷ Jeff Tarzia, *I Went Viral and Now the Internet Hates Me*, SMASHJT (April 1, 2024), <https://www.smashjt.com/post/i-went-viral-and-now-the-internet-hates-me> (last accessed November 26, 2024).

N.E.2d 917, 922 (2010).

151. Tarzia repeated these claims on the SmashJT Youtube Channel on May 1, 2024,⁴⁸ and May 3, 2024.⁴⁹

152. Such conduct constitutes the crime of prostitution under New York Penal Law § 230, which is listed under Title M of the New York Penal Law (“Offenses Against Public Health and Morals”).

153. Tarzia’s claims are false.

154. Mercante has never engaged in the conduct described, nor in any other act of prostitution.

155. Nor has she ever “come forward stating” that she has ever engaged in such conduct.

156. At the time of publication of each of these statements, Tarzia knew that these claims were false.

157. In the time since the initial complaint, Tarzia publicly stated the source of his claim was a Mercante tweet⁵⁰ posted *after* Tarzia’s claim.

158. Indeed, that tweet was a specific *response* to Tarzia’s public claims, made in an attempt to – with humor – tamp down the effects of Tarzia’s defamation (as the duty to mitigate would require).

⁴⁸ Jeff Tarzia (@SmashJT), YOUTUBE, Streamer’s INSANE Death Threat Goes VIRAL (May 1, 2024), <https://www.youtube.com/watch?v=UMDTW7zZ1Ec> at 03:23 (last accessed November 26, 2024)

⁴⁹ Jeff Tarzia (@SmashJT), YOUTUBE, CEO Leaked Discord EXPOSES Scary Kotaku Agenda.... (May 3, 2024), <https://www.youtube.com/watch?v=X1RxnkYZBP8> at 00:03 (last accessed November 26, 2024).

⁵⁰ Cited in ECF No. 7 at 3 (“I sucked dick” in response to “How do did you get into the gaming industry?”).

159. The “I sucked dick” tweet was prompted by, and responding to, Tarzia’s false claim, not the other way around.

160. In making the claim the later-in-time “I sucked dick” tweet was the source of his claim, Tarzia subjectively and objectively knew the tweet was not the source of his claim.

161. He knew this because he lived through and made the decision to make the claim, and at the time he made the claim, the “I sucked dick” tweet did not exist.

162. Because Tarzia knew that Mercante’s after-the-fact tweet was not the source of his claim, Tarzia necessarily knowingly lied about the source of his claim.

163. Upon information and belief, Tarzia knowingly lied about the source of his claim specifically because he knew he had invented it and wanted to cover that fact up.

164. Although many people requested the source of his claim that Mercante made these statements herself, Tarzia has never provided this source.

165. Tarzia’s statement was intended to give his audience the impression he had special access to something underlying the factual claim — namely, that he had seen and had access to some form of media where Mercante had “come forward stating” she had engaged in “suck[ing] dicks for money.”

166. Tarzia’s claim has been adopted and rebroadcast by many other influencers.

167. As a direct and proximate result of Tarzia’s factually false statement

about her, Mercante has suffered the following damages: injury to her professional reputation; loss of employment; loss of status and goodwill in the industry she covers; injury to her personal reputation; loss of economic opportunity; loss of income; and mental anguish.

2. Tarzia's Harassment of Mercante

168. On information and belief, Tarzia has made dozens of videos about Mercante since March 14, 2024. One of these videos, published to the SmashJT YouTube Channel on or about June 5, 2024, is ironically titled “Alyssa Mercante is OBSESSED With Me . . .”⁵¹

169. In this video (and in the companion article posted to the SmashJT Website), Tarzia gives an unusually straightforward and direct statement about how he understands internet harassment to work, stating that “intentionally invoking” a person’s name and identity serves as a “calculated strategy” to “incite” followers and “outsource the task of doxxing.”⁵²

170. He further states that such conduct “creates a pathway for harassment and intimidation” and that this “reckless behavior underscores a disturbing trend of online aggression, where individuals weaponize personal information in pursuit of vendettas, highlighting the urgent need for accountability and responsible online

⁵¹ Jeff Tarzia (@SmashJT), YOUTUBE, *Alyssa Mercante is OBSESSED with me...*, (June 5, 2024), <https://www.youtube.com/watch?v=r-9qRmGx-Gc> (last accessed November 26, 2024); see also Fig. 8, *supra*.

⁵² “Doxxing” is a term of art referring to the intentional publication of an individual’s personally identifying information for the purposes of harassment or intimidation.

conduct.”⁵³

171. That is, Tarzia makes clear he understands his conduct toward Mercante deliberately “creates a pathway for harassment and intimidation” by, among other things, “intentionally invoking” Mercante’s name as part of a “calculated strategy” to “incite” followers and “outsource the task of doxxing.”

172. Tarzia is aware that this conduct should, and does, reasonably put a person in fear of physical injury.

173. Tarzia has posted over 100 tweets referring to Mercante by name on the SmashJT Twitter Account since March of 2024.

174. Tarzia has published more than 90 videos about Mercante on the SmashJT YouTube Channel since March of 2024.

175. As of the date of this complaint, those videos alone represent 150 hours and 47 minutes of time Tarzia has spent talking about Mercante to his followers.

176. Tarzia has posted more than 50 blog posts about Mercante on the SmashJT Website since March of 2024.

177. This course of conduct has continued even after Mercante blocked Tarzia on Twitter in an effort to reduce his ability to see her posts and tag her in his targeted harassment.

178. Tarzia’s course of conduct bore fruit in exactly the way he described

⁵³ Jeff Tarzia, *Alyssa Is OBSESSED...*, SMASHJT (June 5, 2024), <https://www.smashjt.com/post/alyssa-is-obsessed> (last accessed November 26, 2024)

and anticipated.

179. In or around July 2024, the notorious doxing website Kiwi Farms,⁵⁴ posted Mercante's private information.⁵⁵

180. Tarzia, immediately put out a video declaring that Mercante had "fled" Twitter when "karma" came for her.⁵⁶

181. Tarzia also posted an article to the SmashJT Website about the Kiwi Farms "deep dive" into Mercante.⁵⁷

182. That article featured a cease and desist letter sent to the operator of Kiwi Farms requesting the removal of Mercante's private information and signed by Mercante's counsel, who is also counsel to her in this action.

183. Within hours after Tarzia posted this video and article, her counsel and their firm began to receive an onslaught of harassing phone calls and emails, including several which threatened violence, which went on for several days.

184. Many of these communications were sent under the sender's real names; many other senders, however, took great pains to obscure their identities.

⁵⁴ Kejsi Take, Victoria Zhong, Chris Geeng, Emmi Bevensee, Damon McCoy, and Rachel Greenstadt. 2024. *Stoking the Flames: Understanding Escalation in an Online Harassment Community*. Proc. ACM Hum.- Comput. Interact. 8, CSCW1, Article 176 (April 2024). <https://doi.org/10.1145/3641015>

⁵⁵ 'WesternTackle159', REDDIT, *Chuds have doxxed Alyssa Mercante*, r/GamingCircleJerk (May 10, 2024), https://www.reddit.com/r/Gamingcirclejerk/comments/1coqrfs/chuds_have_doxxed_alysa_mercante/ (last accessed November 26, 2024)

⁵⁶ Jeff Tarzia (@SmashJT), *Alyssa Mercante FLEES Twitter After Karma Comes Roaring Back...*, YOUTUBE (May 10, 2024), <https://www.youtube.com/watch?v=7oCK2B8TrmE> (last accessed November 26, 2024)

⁵⁷ Jeff Tarzia, *Alyssa Mercante Sent Her Cease-and-Desist Letter...* SMASHJT (August 26, 2024), <https://www.smashjt.com/post/alyssa-mercante-sent-her-cess-and-desist-letter> (last accessed April 18, 2025)

185. The timing and content of this wave of harassment made it clear that it was directly motivated by and in response to Tarzia's video and article on the topic.

186. On information and belief, Tarzia featured the letter with the intent that his followers harass Mercante's counsel in this way.

187. In response to the Original Complaint in this matter, which listed Tarzia's address as a matter of course for showing his amenability to service at his residence in California, Tarzia accused counsel of "doxxing" him and exposing him and his family to danger simply because people might know where he lived, the same circumstance he defined as "karma" when KiwiFarms users doxxed Mercante and her counsel.⁵⁸

188. Tarzia is aware of the physical danger presented by bad actors having access to personal information.

189. When Mercante sent a demand letter for retraction, Tarzia⁵⁹ and others posted the demand letter and increased their mockery and abuse toward Mercante.⁶⁰

⁵⁸ Jeff Tarzia, *Alyssa Mercante Officially Files Lawsuit Against Smash JT: A Calculated Dangerous Doxing Attack*, SMASHJT (December 11, 2024), <https://www.smashjt.com/post/alyssa-mercante-officially-files-lawsuit-against-smash-jt-a-calculated-dangerous-doxing-attack> (last accessed April 16, 2025)

⁵⁹ Jeff Tarzia (@SmashJT), *Alyssa Mercante Sent Me a Cease & Desist...*, YOUTUBE (September 26, 2024), <https://www.youtube.com/watch?v=zY3LnIkL1h4> (last accessed November 26, 2024)

⁶⁰ John F. Trent, *Smash JT Responds To Kotaku Senior Editor Alyssa Mercante Sending Cease & Desist Letter To Him: "Will Counter Sue For Everything You're Coming After Me With,"* THAT PARK PLACE (September 27, 2024), <https://thatparkplace.com/smash-jt-responds-to-kotaku-senior-editor-alyssa-mercante-sending-cess-desist-letter-to-him-will-counter-sue-for-everything-youre-coming-after-me-with/> (last accessed November 26, 2024)

190. On information and belief, this torrent of harassing communication was done with the intent to deprive Mercante of her chosen counsel and to punish her for attempting to remove her personally identifying information.

191. Tarzia utilized this opportunity to seek funds from what he termed a “serious threat” against “[his] livelihood, [his] family, and [his] career.”⁶¹

192. That is, he admitted just how crucial continued harassment of Mercante is to the profitability of Tarzia’s erstwhile media empire.

193. As a direct and proximate result of Tarzia’s direct harassment of Mercante, as well as his constant knowing and intentional exhortation to his legion of followers to do the same, Mercante has suffered the following damages: injury to her professional reputation; loss of employment; loss of status and goodwill in the industry she covers; injury to her personal reputation; loss of economic opportunity; loss of income; physical pain and suffering; exacerbation of preexisting medical conditions; and mental anguish.

194. As a direct result of Tarzia’s actions, detailed herein, Mercante has been diagnosed with, *inter alia*, [REDACTED]

[REDACTED].

3. Tarzia’s Followers Act on Tarzia’s Command.

195. Tarzia’s followers echo what he says.

196. They create their own set of videos, amplifying what Tarzia says, while

⁶¹ Jeff Tarzia, *Help Cover Legal Expenses*, GOFUNDME (September 27th, 2024), <https://www.gofundme.com/f/help-cover-legal-expenses-against-alyssa-mercantes-attacks> (last accessed November 26, 2024)

stoking harassment, rape and death threats, and the like.

197. If Tarzia makes a claim, that claim will reappear, substantially unchanged, downstream of him in one of the videos amplifying and continuing his harassment.

198. It does not appear that any of Tarzia's downstream commentators edit or verify his claims; the downstream claims will often contain the same minor mistakes and errors in wording that Tarzia's claims contain.

199. These false statements serve as a kind of mountweazel.⁶² They identify the ultimate source of the information.

200. All of this is Tarzia's intent, and by Tarzia's design.

201. This ecosystem would not exist but for Tarzia's campaign.

202. This ecosystem leads to rape threats, death threats, and unlawful harassment.

203. Prominent inhabitants of Tarzia's ecosystem include: Brooklyn, NY-based Selma Adorno who posts to the YouTube channel "Toastywiththemosty69;" Jamesville, NY-based content creator Louis Testone, Jr. who posts to the YouTube channel "RevSaysDesu;" Atlanta, GA-based gaming influencer Montravious Dukes, who posts to the YouTube channel " ;" and San Antonio, TX-based gaming influencer Eric Perez, who posts to the YouTube channel "8-Bit Eric."

204. Downstream YouTubers who follow Tarzia's lead, Adorno and Dukes,

⁶² "mountweazel," Dictionary.com ("a decoy entry in a reference work, such as a dictionary or encyclopedia, secretly planted among the genuine entries to catch other publishers in the act of copying content"), available at <https://www.dictionary.com/browse/mountweazel>

will often incorporate the exact same statements made by Tarzia in their video titles, capitalizing off of Tarzia's notoriety.

205. Examples of these mountweazels are Adorno's videos from March 14, 2025⁶³ entitled "Alyssa Mercante WILL NOT STOP;" Adorno's stream from March 12, 2025⁶⁴ entitled "Alyssa Mercante wants to be SMASHJT's editor;" and Dukes's video from March 14, 2025⁶⁵ entitled "Alyssa Mercante is SEETHING over YouTubers ROASTING HER! She is SPIRALING!"

206. On December 16, 2024, Tarzia published a video to the SmashJT YouTube Channel titled "Alyssa Mercante CAUGHT Destroying Evidence From Her Lawsuit!!,"⁶⁶ in which he falsely claimed that Alyssa was spoliating evidence relevant to this action.

207. That same day, Louis Testone, Jr. published a video titled "Alyssa Mercante And Sweet Baby CEO CAUGHT SCRUBBING Twitter Accounts As SmashJT Lawsuit Backfires,"⁶⁷ repeating the same false claims.

208. And just hours later, Montravious Dukes published a video titled "Alyssa Mercante & Black Girl Gamers CAUGHT Deleting Evidence Ninjacast w/aTraes,"⁶⁸ again repeating the same false claims.

209. Not to be outdone, Eric Perez published a video the very next day titled

⁶³ https://www.youtube.com/watch?v=BQg2pabt_Bk

⁶⁴ <https://www.youtube.com/watch?v=Xwg3UImsUsY>

⁶⁵ <https://www.youtube.com/watch?v=RJrQJdd3KAY>

⁶⁶ <https://www.youtube.com/watch?v=uY4La8H4yJk&t=23s>

⁶⁷ <https://www.youtube.com/watch?v=J0cHO4iv32w>

⁶⁸ <https://www.youtube.com/watch?v=09j2Jbomlnk>

“Alyssa Mercante CAUGHT Deleting Tweets! (Lawsuit Implicated?)”⁶⁹ restating the identical false claims.

210. The claim that Mercante deleted anything grew out of Tarzia’s disingenuous presentation of some data he found. Mercante didn’t delete anything. Rather, after the 2024 presidential election, a large number of people deleted their Twitter accounts. And thirty days later, those account deletions became permanent, and their tweets went away. When that happened, Mercante’s own retweets of those tweets also disappeared. In public data sources which track the total number tweets from a given account, this appeared as a substantial drop in the total tweet count for Mercante (and virtually anyone else a user cared to look up). Tarzia deceptively presented this drop as though it were evidence of spoliation.

211. As relevant here, however, the repetition of the misguided claim with substantively identical wording and framing – and without any independent verification or thought – is part and parcel of how Tarzia’s ecosystem functions to jump at whatever he says.

212. On January 11, 2025, Tarzia published a video to the SmashJT YouTube Channel titled “Adam Sessler Thinks Alyssa Mercante is TOO Crazy...”⁷⁰

213. Within hours, Eric Perez had published a video to his YouTube channel titled “Adam Sessler DESTROYS Alyssa Mercante! Too Crazy Even for Him!”⁷¹

⁶⁹ <https://www.youtube.com/watch?v=dRotdY6wSIk>

⁷⁰ <https://www.youtube.com/watch?v=Jm0vd8evak8&t=17s>

⁷¹ <https://www.youtube.com/watch?v=GuQFhpfnwEQ>

214. Even more recently, on March 12, 2025, Tarzia published a video to the SmashJT YouTube Channel titled “Alyssa Mercante Now Wants To Be My Editor...”⁷²

215. Only hours later, Adorno posted a video titled “Alyssa Mercante Wants To Be SMASHJT's editor, Veilguard's Playstation Plus Launch FLOPS.”⁷³ On information and belief, these downstream postings deliberately repeat Tarzia’s words and claims to amplify their harassing effect.

216. To date, Mercante has received more than a thousand death, rape, and other vicious threats and harassment.

217. Those threats include the following, which are characteristic of what is received:

⁷² <https://www.youtube.com/watch?v=cHmEkVsuvPw>

⁷³ <https://www.youtube.com/watch?v=Xwg3UImsUsY>

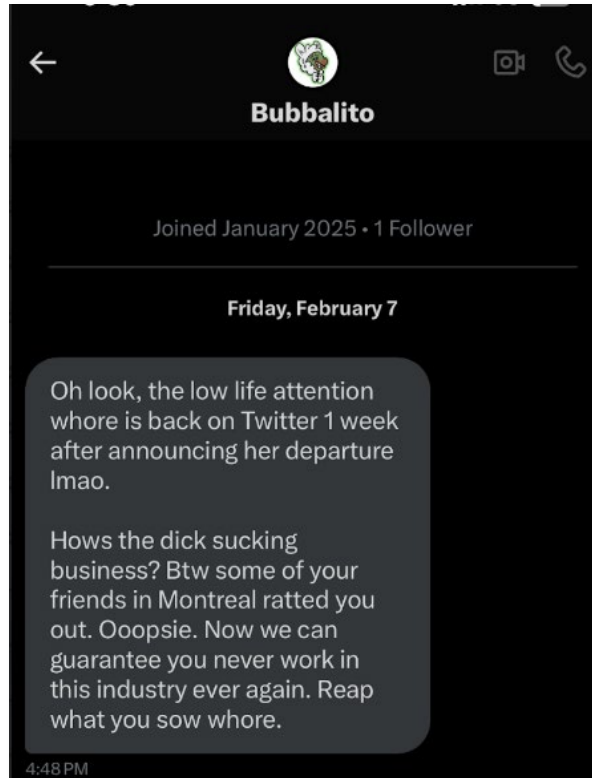


Figure 20 - threat to employment



Figure 21 - death threats



Figure 22 - harassment

218. Several more representative examples are provided in Appendix 1 (and this includes, with fair warning, a redacted exchange where a harasser sent Mercante an unsolicited nude picture of himself). To be clear, these are neither the worst nor the mildest of the harassment; they are merely a sampling. Likewise, those included are hardly even the tip of the iceberg: These are a small handful of a much, much larger, daily, deluge.

219. When Tarzia publishes a new video or other post attacking Mercante, harassment increases.

220. When Tarzia does not, it decreases.

221. Tarzia's harassment is relentless; he publishes a video or article about Mercante every three and a half days on average, and sometimes as much as 5-6 days in a row.

222. The only substantive relief from Tarzia's harassment came for a period of approximately three weeks in September 2024, when he briefly ceased publishing videos about Mercante after she sent him a cease-and-desist letter.

223. When Tarzia stopped publishing videos and articles about Mercante, the amount of harassment she received decreased substantially.

224. When Tarzia resumed his previous practice of publishing videos and articles about Mercante, the amount of harassment Mercante received returned to its previous fever pitch.

225. This pattern is also observed with Tarzia's other targets. As described more fully below, when Tarzia targets Mercante's counsel, the law firm receives a substantial number of threatening and harassing communications immediately.

4. Tarzia's Use of Mercante's Images to Advertise His Channel

226. In his career as an influencer, Tarzia earns income from the videos he records, produces, and uploads to the SmashJT YouTube Channel.

227. Tarzia's income from the SmashJT YouTube Channel is determined by how many individual users watch his videos. The more views the videos get, the more Tarzia gets paid.

228. Tarzia, therefore, has a direct economic incentive to encourage people to view the videos on the SmashJT YouTube Channel.

229. Every video on YouTube has a placeholder image which is displayed along with its title when the video is linked or embedded within another web page or social media post, as well as on the YouTube channel page itself.

230. These images are known as “thumbnails,” and they act as the public face of a video. A video’s thumbnail has a significant impact on how many views it will ultimately receive.

231. The thumbnail for the video thus acts as an advertisement for the video, engaging potential viewer’s interest in the content of the video with the intent of causing these potential viewers to click on and watch the video.

232. The creator of the video has the option to create a custom thumbnail for the videos they upload to YouTube.

233. On information and belief, Tarzia exerts sole control over the thumbnail images for the videos on the SmashJT YouTube Channel.

234. Tarzia frequently uses Mercante’s likeness in the thumbnails for the videos on the SmashJT YouTube channel.

235. Tarzia also frequently uses Mercante’s name in the thumbnails and titles of the videos on the SmashJT YouTube Channel.

236. Tarzia has used Mercante’s likeness in the thumbnails for videos on the SmashJT YouTube Channel no fewer than 37 times since March 13, 2024.

237. Tarzia has used Mercante’s name in the thumbnails or titles for videos on the SmashJT YouTube Channel no fewer than 25 times since March 13, 2024.

238. Tarzia has neither sought nor received Mercante’s consent for any of

these uses of her likeness or name.

239. Tarzia's unauthorized use of Mercante's likeness and name has proved lucrative for him.

240. On September 10, 2024, Tarzia tweeted "Is this the 'find out' part that a certain activist keeps going on about in regards [sic] to me?" Accompanying the tweet was an image of a line graph, rising over time from just under 19,000 at the beginning of 2024 to nearly 57,000 at the time the image was captured, with a sharp increase in the rate of growth beginning in approximately late March of 2024.

241. On information and belief, the "certain activist" referenced in Tarzia's tweet was Mercante.

242. On information and belief, the graph which accompanied the tweet was a demonstration of the lifetime subscriber count of the SmashJT YouTube Channel, showing an increase of nearly 40,000 subscribers between late March 2024 and September 10, 2024.

243. Tarzia's first video about Mercante was published on March 22, 2024.

244. As a direct and proximate result of Tarzia's misappropriation of Mercante's likeness and identity, she has suffered damages including, but not limited to: mental anguish, loss of income, loss of employment, loss of goodwill, reputational injury, and more.

5. Tarzia's harassment goes beyond him

245. As with any rough beast born of fanning the flames of online hate, Tarzia's harassment campaign went beyond direct attacks upon Mercante on his channel.

246. As a part of her participation in online gaming culture, Mercante would sometimes appear with other online personalities, including Hasan Piker.⁷⁴

247. Mercante published a feature at Kotaku covering “TwitchCon 2024,” where Piker was present.⁷⁵

248. Piker is a popular left-wing political commentator and streamer, who is also of Turkish ethnicity.

249. Piker’s commentary, particularly covering the Israel/Hamas War that began on October 7, 2023, has drawn ire from many sources.⁷⁶

250. Streamer “Destiny”⁷⁷ attacked Mercante for her coverage of Piker, digging up a two-year-old article written about Piker by Mercante.⁷⁸

251. Tarzia piled on, with a video and blog post amplifying Destiny’s derogatory comments about Mercante.⁷⁹

252. Tarzia used this controversy to push his pet conspiracy theory about Mercante: that she was not in the video games industry to “champion games or

⁷⁴ WIKIPEDIA, *Hasan Piker*, https://en.wikipedia.org/wiki/Hasan_Piker (last accessed November 26, 2024)

⁷⁵ Alyssa Mercante, *TwitchCon 2024 Was A Whirlwind*, KOTAKU (September 24, 2024), <https://kotaku.com/twitchcon-2024-san-diego-diary-recap-hasanabi-1851656399> (last accessed November 26, 2024)

⁷⁶ Kalhan Rosenblatt, *Twitch faces criticism over Israel-Gaza war content on platform*, NBC NEWS (November 4, 2024, 3:20 PM PST), <https://www.nbcnews.com/tech/twitch-faces-criticism-israel-gaza-war-content-rcna178663> (last accessed November 26, 2024)

⁷⁷ Destiny is the *nom de guerre* of Stephen Kenneth Bonnell, II. See WIKIPEDIA, *Destiny_(streamer)*, [https://en.wikipedia.org/wiki/Destiny_\(streamer\)](https://en.wikipedia.org/wiki/Destiny_(streamer)) (last accessed December 5, 2024)

⁷⁸ Alyssa Mercante, *The Year In Twitch Pol Himbo King Hasan Piker*, KOTAKU (December 29, 2022) <https://kotaku.com/hasan-piker-andrew-tate-sam-hyde-twitch-porsche-taycan-1849933722> (last accessed November 26, 2024)

⁷⁹ Jeff Tarzia, *Alyssa Mercante ‘Horny For Hasan’ Called Out By Destiny*, SMASHJT (October 17, 2024), <https://www.smashjt.com/post/alyssa-mercante-horny-for-hasan-called-out-by-destiny> (last accessed November 26, 2024)

support gamers” but to push her supposed left-wing activism.

Ultimately, Alyssa’s behavior continues to reveal her true colors. She’s not in this industry to champion games or support gamers; she’s here to push her activism, and Hasan is just another tool for her to do so.

Figure 23 -- from Tarzia’s story about Piker and Mercante

253. Tarzia stated, in no uncertain terms, that he would continue to “call out” Mercante any time she wrote a piece that did not meet his personal sensibilities about what a video games journalist should do.

254. Ultimately, based on the actions of Tarzia, multiple persons contacted G/O Media to complain about “antisemitism” from Mercante for appearing with Piker.

255. Under pressure from G/O in the wake of this harassment campaign, Mercante agreed to resign her position at Kotaku.

256. Ever one to utilize the misfortune of others to prop himself up, Tarzia gloated that Mercante leaving Kotaku was a victory for his side, since he believes (hypocritically) that video games journalists should stick to “**pure** game analysis” and avoid “dives into sociopolitical commentary” as it “polariz[es] their readership.”

It’s no secret that over the past few years, mainstream gaming outlets have shifted towards editorial content that strays far away from any kind of **pure** game analysis and dives into sociopolitical commentary... ultimately polarizing their readership at the end of the day. Mercante embodied this trend magnificently (to a fault), but many now see her departure as part of a potential broader reset in the gaming media landscape. As she leaves Kotaku, industry insiders and gamers alike have expressed a cautious hope that this signals a potential return to what many miss: authentic, unbiased, game-focused journalism.... BUT, and its a very big BUT...

Figure 24 - Tarzia is unable to see his own hypocrisy

257. Despite Tarzia himself engaging in divisive, sociopolitical commentary,

he believes that there is space in the video game commentary community for voices like his, but not voices like Mercante's, for which he has stated he will always "call out."

258. As set out above, Tarzia's form of calling out, among other things, always includes (to use his words) "intentionally invoking" a person's name and identity serves as a "calculated strategy" to "incite" followers and "outsource the task of doxxing."

6. Tarzia's Pattern and Practice of Lying

259. Tarzia has a history and pattern of making false statements to sensationalize his reporting and commentary — and does so in particular when Mercante is involved.

260. Below is a partial history and account of that practice.

261. On September 26, 2024, just after receiving a retraction request for Mercante's counsel, Tarzia posted false statements regarding the attorney who signed the request on her behalf to his Twitter timeline, falsely claiming that her counsel did not work at the firm he claimed.

262. Tarzia further intimated that Mercante's counsel had "quite the reputation" in the legal industry, but did not elaborate any further.



Figure 25 - Tarzia lies about Mercante's counsel.

263. Even after another commenter pointed out that it was easily verifiable that Mercante's counsel worked for the firm identified on the demand letter, Tarzia refused to amend or take down his post, or provide clarification regarding his statements regarding reputation.

264. After Mercante's departure from her position with Kotaku, Tarzia reported on the matter breathlessly, without pausing to check his sources or avoid spreading further unfounded speculation about Mercante's plans, such as allegedly

going to work for Sweet Baby, Inc.

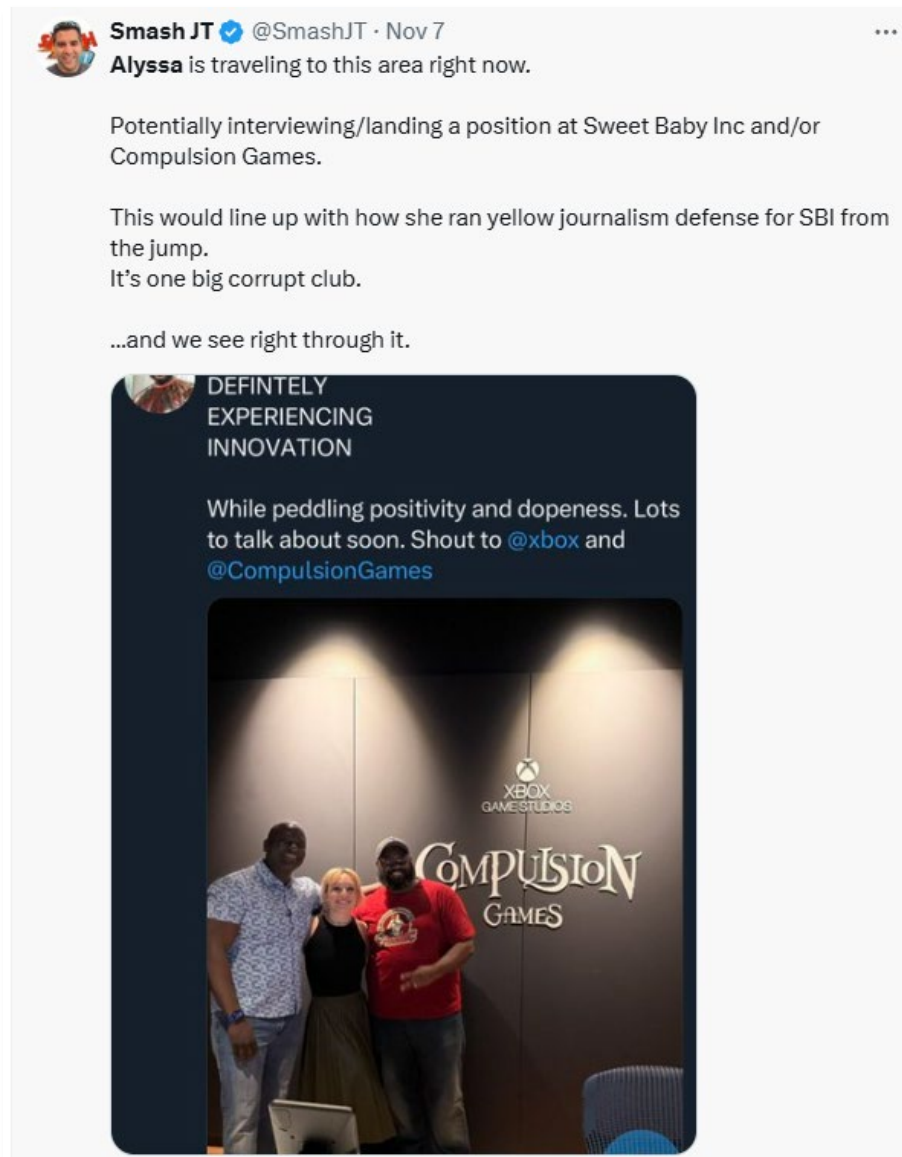


Figure 26 - Tarzia speculates on Mercante's employment plans.

265. Even when corrected about Mercante's plans, Tarzia implied that he was in possession of facts which he refused to disclose in an attempt to substantiate his claims.



Figure 27 - Tarzia implies he knows facts that are not disclosed.

266. However, Tarzia is not simply immune to telling the truth or correcting the record when it serves to increase the harassment of his victims.



Figure 28 - Tarzia links to Mercante's account to direct harassment toward her.

267. When rumors began to spread that Tarzia had a post on a sexually explicit website, Tarzia pointed out that the person perpetrating the hoax⁸⁰ did so knowing it was false and bemoaning the amount of harassment he received.

⁸⁰Mercante is not in possession of any evidence which would substantiate that Jeff Tarzia and his wife participated in a website where they advertised for strange men to sleep with Tarzia's wife while Tarzia watched, and thus presumes that photographs and text generated in support of the hoax are in fact fake. They are reproduced here without sponsorship or endorsement by Mercante or her counsel.

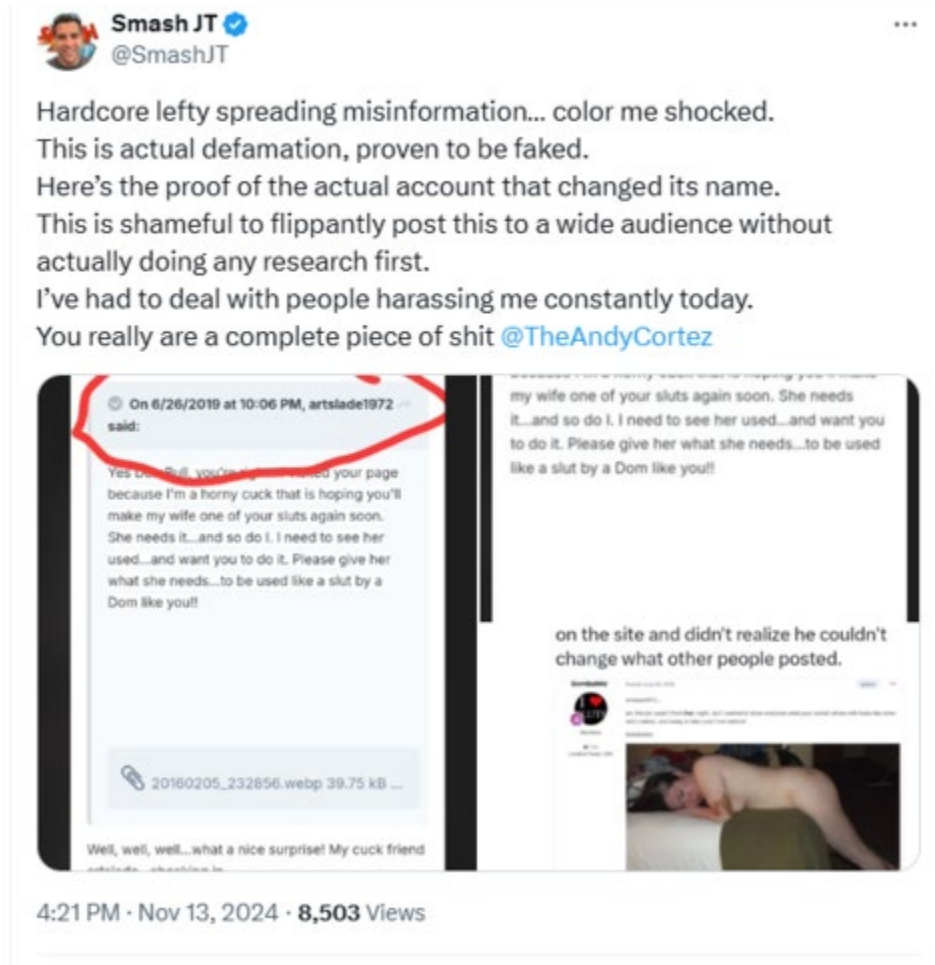


Figure 29 - Tarzia is upset by a hoax.

268. When the author of the hoax confessed, Tarzia's response was that a simple "I am sorry" would have sufficed.

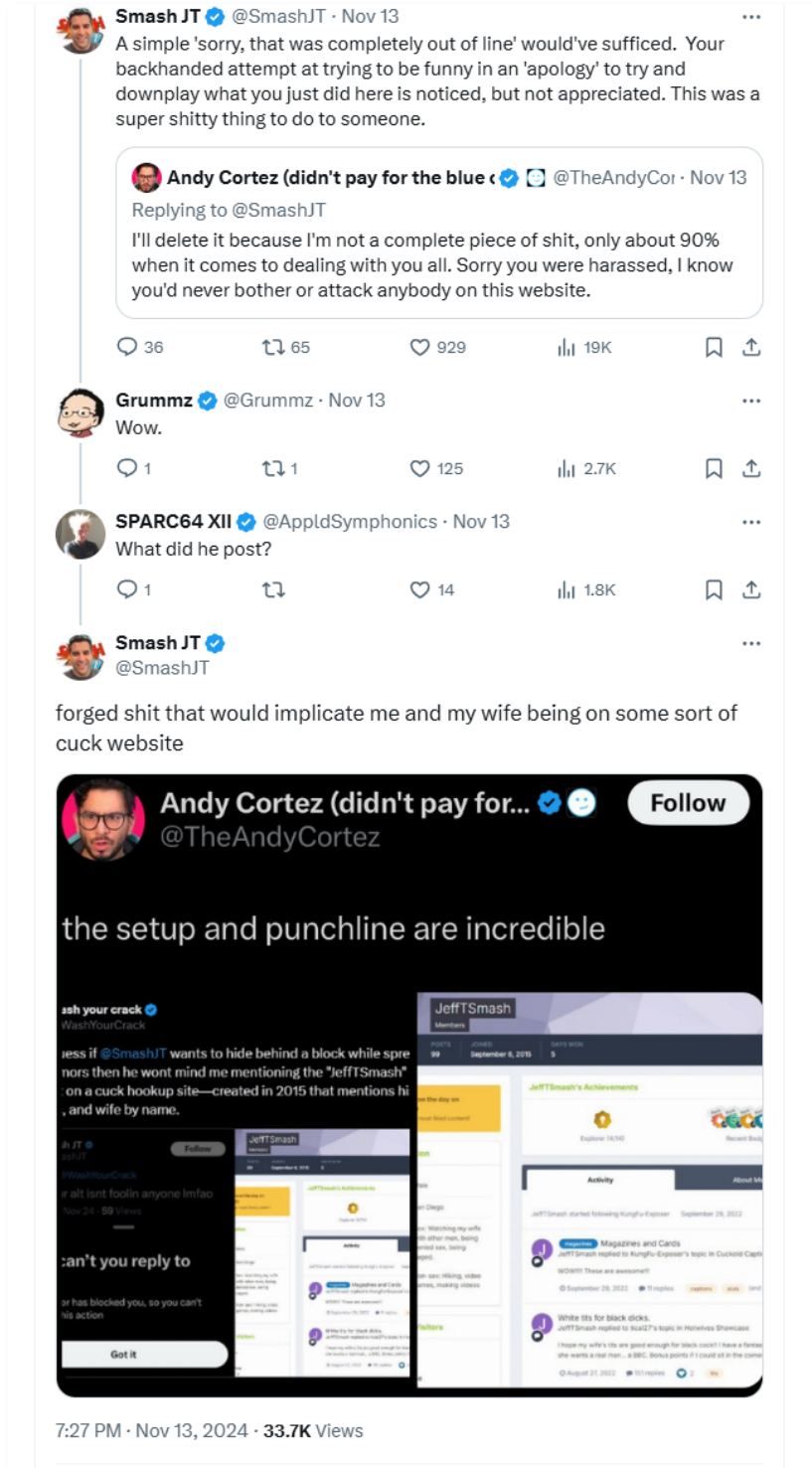


Figure 30 - Tarzia displays a lack of self-awareness.

269. Given his refusal to offer Mercante the same courtesy when it was requested, this statement is revealing.

270. On or about September 30, 2024, on a “Valiant Renegade” stream with Tarzia and his counsel Ron Coleman, Tarzia lied about not knowing Mercante and misrepresented his history with her.⁸¹

271. Tarzia claimed that it was Mercante who approached him after he began his “EndKotaku” campaign, when, as shown above, Tarzia had already targeted articles written by Mercante and called her out by name.

272. Tarzia repeated the same lies on another livestream with Coleman on or about October 1, 2024.⁸²

273. Tarzia also frequently shares a manipulated image of Mercante in a t-shirt but claims that the image has not been altered from the original. However, the original image by Mercante does not include the image and slogan which has been superimposed on the shirt. The image was first shared in his March 13, 2024, article regarding Jeff Grubb and Mercante, referenced in paragraphs 68 and 69.

⁸¹ <https://www.youtube.com/watch?v=80gmQ8Fft5E>, last accessed December 9, 2024.

⁸² <https://www.youtube.com/live/yLJ8KaSf6e0>, last accessed December 9, 2024.



Figure 31 - Tarzia knows this image is altered.

274. The photograph was taken from Mercante's Twitter feed and altered.

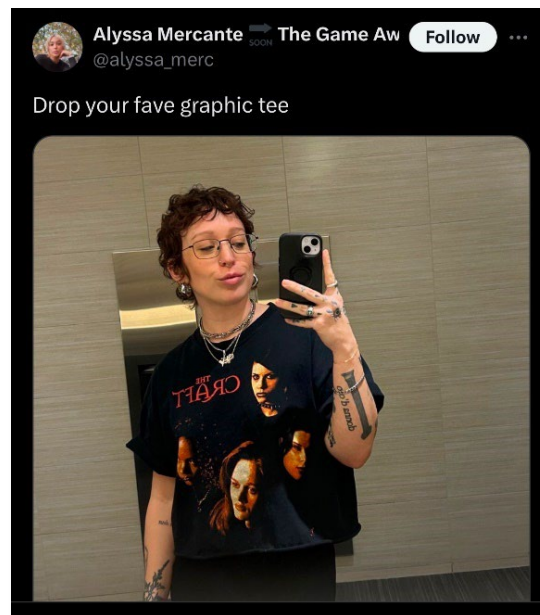


Figure 32 - the actual shirt

275. Tarzia knew that the statement contained on the shirt was false and has republished it anyway, as a part of his pattern or practice of publishing statements he knows to be false with the intent to harm Mercante.

276. Tarzia has also commented on Mercante's raising money for the "Trans Lifeline" charity, claiming that the charity itself is a scam and an "iceberg of hidden criminal activity."⁸³

277. Trans Lifeline is a registered 501(c)(3) non-profit and is transparent in its finances.⁸⁴

278. Charity Navigator, a site which investigates and ranks charities, gives Trans Lifeline a 96% rating.⁸⁵

279. No one associated with Trans Lifeline has been charged with a crime, although two former directors did agree to repay, independent of a lawsuit, funds that were diverted from the charity's main mission. Such repayments were disclosed in the 2017 financial filings.⁸⁶

280. Such flippant and reckless disregard for the truth demonstrates that, at the time Tarzia made the defamatory statements about Mercante highlighted above, he knew they were false. He knew that he did not have any substantial basis for claiming they were true and had conscious knowledge the statements were not true.

281. Worse, at multiple points, Tarzia clearly implied that he was in possession of further facts that would substantiate his claims, which he never bothered to produce, because those facts did not exist.

⁸³ <https://www.youtube.com/watch?v=2zzgqlhX5A>, last accessed December 9, 2024.

⁸⁴ <https://translifeline.org/about/#reports>, last accessed December 9, 2024.

⁸⁵ <https://www.charitynavigator.org/ein/472097494>, last accessed December 9, 2024.

⁸⁶ <https://projects.propublica.org/nonprofits/organizations/472097494/201940289349300939/full>, last accessed December 9, 2024.

282. Tarzia fabricated those facts, knowing they were false.

283. As a direct and proximate result of Tarzia's harassment campaign against Mercante, she has suffered a loss of employment, a loss of income, and related damages.

7. Tarzia and his counsel concede Mercante is not a public figure

284. While ordinary prudence would caution a litigant and his counsel not to speak publicly regarding an ongoing case, Tarzia and his counsel Ronald D. Coleman have no qualms about multiple, length public streams discussing the case, litigation strategy, and other privileged material.

285. On the stream on January 20, 2025, Tarzia and Coleman were discussing whether Alyssa would be considered a public figure and thus would have to prove actual malice to obtain relief for Tarzia's defamation of Mercante.⁸⁷

286. Within that stream, Coleman dismissed the idea that Mercante achieved the sort of notoriety, even within video game journalism circles, that is typically required to be considered important enough to be a public figure. Coleman stated that ". . .the plaintiff here is not -- Even though she is an activist on with respect to certain causes, she's not particularly prominent in that area [video games journalism] herself, you know." Coleman admitted that Mercante has not achieved the sort of prominence required for her to be even a limited-purpose public figure. Absent Tarzia's campaign of hatred, Mercante would be a video game journalist and

⁸⁷ Jeff Tarzia (@SmashJT), *Ron Coleman Joins to Talk Alyssa Mercante Lawsuit*, YOUTUBE (January 20, 2025), <https://www.youtube.com/watch?v=aNQhNYAHHw4> at 1:13:01 (last accessed April 16, 2025)

not a controversial figure.

287. The statement that Mercante is not “particularly prominent” binds Tarzia as much as it binds Coleman to the proposition that Mercante is not a public figure.

288. Indeed, Mercante is not a general or limited-purpose public figure.

289. Without waiving the same, Mercante has pleaded facts within this First Amendment Complaint sufficient to show that even though she is not a public figure, Tarzia acted with actual malice because Tarzia frequently lies about her on his streams, on Twitter, and in any format he can to attempt to obtain clout.

8. Tarzia and his counsel waive attorney-client privilege

290. Furthermore, in the livestream dated January 20, 2025, Tarzia and his counsel discussed matters that would be considered attorney-client privilege.⁸⁸

291. Tarzia and his counsel discussed possible defenses to the lawsuit, with his counsel explaining: “I was surprised that they did follow through and that they sued you in New York, where there is a very rather vicious anti-SLAPP statute. But, I think we can, feel pretty good about how we're going to be responding to it. I don't want to go too into that.”⁸⁹

292. Tarzia and his counsel also discussed venue and choice of law, with Tarzia’s counsel explaining that “they summoned you to court — for some reason, they summoned you to court in the Eastern District of New York and not. You

⁸⁸ <https://www.youtube.com/watch?v=aNQhNYAHHw4&t=1s>., Ron Coleman joints to talk Alyssa Mercante Lawsuit, 01-20-2025

⁸⁹ *Id.* at 0:17:22.

know, that's an interesting choice. Not a terrible one for us. Better for me than to say to you in California, because I'm in New York and —..." And Tarzia interrupting to ask "Let me cut you off there. Can they even do that? Can they force a client to fly across the country for their own lawsuit?" Tarzia's counsel explained "Yeah, that happens all the time."⁹⁰

293. Tarzia's counsel seemed aware that the conversation regarding Tarzia's defense strategy was being streamed, because he explained "I mean what we're doing is preparing a motion to dismiss the complaint that I don't mind telling people it's not a surprise, you know. Sighs yes this I'm sure anticipates it. Moreover there's no prejudice to you my my revealing that we're filing a motion to complain which is a relatively aggressive way to respond to a complaint and subject that I'm particularly knowledgeable because I wrote basically a textbook chapter on filing motions complaint under the federal rules when I was a young buck. So we're saying two things. Either judge, look at these, look at these claims. They're not plausible either, because there are no such thing as vampires, or they claim the light was red, and they also claim the light was green, that things don't add up. [...] But then what we do is we say, judge, now let's just take all the allegations that you decide are plausible. Here's why. Even if everything the plaintiff says true, you should dismiss the case or part of the case anyway. And the reason is that they don't amount to a legal claim."⁹¹

⁹⁰ *Id.* at 0:45:27

⁹¹ *Id.* at 00:49:16.

294. During a later stream, Tarzia recounted the substance of his conversations with his attorney, saying “I talked to Ron for those that missed it, and he. He gave it a glance over and was like, yeah, there’s that. They have nothing here. He’s like, this is this is a made for the SLAPP law. Like, this is why anti-SLAPP laws exist. Is is ridiculous, frivolous lawsuits like this. Like, ***in Ron’s opinion, he felt like there was something greater at play here because he’s like, this is not even this is not even a lawsuit.*** He’s like, I’m never like, I don’t think he said, I’ve never seen anything like this. But he’s like, this is one of the weaker cases I’ve ever seen. Something along those lines. So yeah, that was that was Ron’s first, first thought on it.”⁹²

295. A few days later, Tarzia again discussed his attorney’s advice, this time recounting that “That’s that’s exactly what Ron said to me. He’s like, yeah. This all things being equal, this is a case that is, made for a anti-SLAPP suit. He’s like, this is a classic case. But at the same time, he said, I can’t guarantee anything, right? Because you never know. But he’s like, this is this is literally the reason why the whole SLAPP laws exist.”⁹³

296. Public discussion of privileged materials where anyone can overhear them waives the attorney-client privilege. *Ambac Assur. Corp. v. Countrywide Home Loans, Inc.*, 27 N.Y.3d 616, 624, (2016).

⁹² <https://www.youtube.com/watch?v=JcigXzU7yH4>, 2024-12-14 JT Live Black Girl Gamers on the attack (...again) at 00:23:42 (emphasis added)

⁹³ <https://www.youtube.com/watch?v=M6R0q67LnSU>, 2024-12-18 Chatting w/LEGENDARY Halo Composer Marty O'Donnell

297. Coleman and Tarzia should be deemed, for purposes of all preliminary hearings in this suit, to have waived attorney-client privilege.

FIRST CAUSE OF ACTION
DEFAMATION AND DEFAMATION *PER SE*

298. This cause of action includes all the forgoing paragraphs, inclusive, by reference and incorporation.

299. On or around March 30, 2024, Tarzia tweeted “Whorification”? What’s that? Like what @alyssa_merc does sucking dicks in her off time for money?” from the SmashJT Twitter Account.⁹⁴

300. On or about April 1, 2024, Tarzia published a video to the SmashJT YouTube Channel in which he stated, “Alyssa Mercante [...] has since come forward stating that she used to be a sex worker, sucking dicks for money before working at Kotaku.”⁹⁵

301. That same day, Tarzia repeated these claims on the SmashJT Website.⁹⁶

⁹⁴ To be clear, the “Whorification” portion of the comment is not intended to be part of what is sued over in defamation, since it would be (1) opinion and (2) is not, in context, a statement about or concerning Plaintiff.

⁹⁵ Jeff Tarzia (@SmashJT), YOUTUBE, I Went Viral (and They HATE Me For It!), YouTube (April 1, 2024), <https://www.youtube.com/watch?v=4d6VDhZqArA> at 08:20 (last accessed November 26, 2024)

⁹⁶ Jeff Tarzia, I Went Viral and Now the Internet Hates Me, SMASHJT (April 1, 2024), <https://www.smashjt.com/post/i-went-viral-and-now-the-internet-hates-me> (last accessed November 26, 2024).

302. Tarzia repeated these claims on the SmashJT Youtube Channel on May 1, 2024,⁹⁷ and May 3, 2024⁹⁸

303. Tarzia will likely argue that Mercante's April 6, 2024, tweet joking that she "sucked dick" to get into the game industry vitiates his defamation.

304. However, Tarzia began making the defamatory statements at issue in this case over a week before that tweet was posted.

305. Tarzia will also likely argue that a December 21, 2023, tweet from Mercante that she should "go back to sex work" because "at least then when I get fucked a lot I'll get paid well for it." This statement is followed by a laughing emoji with its tongue hanging out.

306. This statement is obviously a joke.

307. This statement does not confess ever having engaged in the crime of prostitution.

308. Tarzia did not appear to have even been aware this statement was made at the time he published the defamatory statement at issue in this case.

309. Tarzia cannot rely on an obvious joke that does not even admit to engaging in prostitution to vitiate his defamatory statement toward Mercante.

310. At the time Tarzia made the statements described with particularity above, those statements were false.

⁹⁷ Jeff Tarzia (@SmashJT), YOUTUBE, Streamer's INSANE Death Threat Goes VIRAL (May 1, 2024), <https://www.youtube.com/watch?v=UMDTW7zZ1Ec> at 03:23 (last accessed November 26, 2024)

⁹⁸ Jeff Tarzia (@SmashJT), YOUTUBE, CEO Leaked Discord EXPOSES Scary Kotaku Agenda.... (May 3, 2024), <https://www.youtube.com/watch?v=X1RxnkYZBP8> at 00:03 (last accessed November 26, 2024).

311. Tarzia made the statements with the intent to imply he had special access to some media in which Mercante had “come forward stating that she used to be a sex worker, sucking dicks for money.”

312. No such “com[ing] forward” exists; Tarzia invented it.

313. At the time Tarzia stated the above, he was aware that the statements were false, or upon information and belief, entertained serious doubts as to the truth of the statements prior to their publication.

314. He was aware of their falseness because he invented them.

315. Assuming, without conceding, that Mercante is a public figure, Tarzia made factually false statements about her with actual malice.

316. Because Tarzia’s quoted statements are statements which impugn the chastity of Mercante and accuse her of the commission of a crime of moral turpitude, to wit: prostitution under N.Y. Penal Law § 230, under New York Civil Rights Law § 77, they are defamatory *per se* and special damages need not be pleaded.

317. Nevertheless, as a direct and proximate result of the false statement by Tarzia, Mercante has suffered the following non-exclusive list of damages: injury to her professional reputation; loss of status and goodwill at her job; loss of status and goodwill in the industry she covers; injury to her personal reputation; loss of economic opportunity; loss of income; and mental anguish.

SECOND CAUSE OF ACTION

BIAS RELATED VIOLENCE OR INTIMIDATION

318. This cause of action includes all the forgoing paragraphs, inclusive, by reference and incorporation.

319. Plaintiff, Alyssa Mercante, is a cisgender bisexual woman.

320. Defendant Tarzia is aware of Mercante's gender presentation and sexual orientation because he closely follows Mercante's online activities to aid him in monetizing his YouTube videos.

321. Defendant Tarzia has engaged in a pattern of conduct that constitutes harassment under New York Penal Law 240.25, specifically, he has intentionally and repeatedly harassed Mercante by engaging in a course of conduct that has reasonably put her in fear of physical injury.

322. Under New York Civil Rights Law § 79-n, Mercante states upon information and belief that his selection of her for harassment is based upon Tarzia's belief or perception regarding Mercante's race, color, gender, age, and/or sexual orientation.

323. Section 79-n provides a civil right of action against "Any person who intentionally selects a person or property for harm or causes damage to the property of another or causes physical injury or death to another, or subjects a person to conduct that would constitute harassment under section 240.25 of the penal law."

324. Under New York Civil Rights Law § 79-n, therefore, Mercante requests all relief available, including injunctive relief, damages, and any other relief available at law.

THIRD CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

325. This cause of action includes all the forgoing paragraphs, inclusive, by reference and incorporation.

326. Tarzia has engaged in extreme and outrageous conduct.

327. By design, as set out elsewhere herein, his conduct deliberately leads to Mercante having to daily face unwanted attention online from malefactors, both in public and private messages.

328. As set out above, Mercante has received thousands of death threats, rape threats, unwanted pictures of penises, demands she kill herself, and all manner of other harassment.

329. The deluge is daily, spreads out beyond her constantly, and is not something any member of a civilized society should have to endure.

330. Some average examples of this harassment include:



Figure 33 - an example of the messages Mercante received as a result of Tarzia's harassment campaign.



Figure 34 - an email received by Mercante

331. This has always been Tarzia's intent. He knew before making a single statement about Mercante that some of his viewers would take it too far, and he made the statements he did understanding and believing that this type of conduct would result.

Kotaku is a mess

While her employer Kotaku has yet to publicly state any reprimanding for her actions, and in some cases, even defended her... it may have swung the internet into taking a response on for them. This is unfortunately what happens in a public space when an employer refuses to acknowledge or act appropriately to correct the issue. Let me take this moment to once again remind you that I have a petition going to [#EndKotaku](#) and it has already surpassed 3,500 signatures. If you haven't already, [please consider signing the petition here](#).

Figure 35 - Tarzia knew the results of his actions.

332. Because Tarzia intended his harassment and outrage campaign to be successful, he intended all of the foreseeable consequences of that campaign.

333. That includes the severe emotional distress suffered by Mercante, which has risen to the level that affects her livelihood and even her feeling of safety going out in public.

334. All of this is attributable to the words and actions of Tarzia on his website, on his video channel, and on his social media profiles.

335. The direct and proximate result of Tarzia's actions and words is that Mercante suffered compensable damages within the jurisdictional limits of this Court.

FOURTH CAUSE OF ACTION

TORTIOUS INTERFERENCE WITH CONTRACT

336. This cause of action includes all the forgoing paragraphs, inclusive, by reference and incorporation.

337. Plaintiff, Alyssa Mercante, had a contract for employment with Kotaku, a video games industry website, as a senior editor.

338. Tarzia's harassment campaign, detailed above, intentionally sought to

run Mercante out of the video games journalism industry.

339. Tarzia's harassment was unlawful and tortious.

340. Tarzia's unlawful harassment was intended to interfere with Mercante's employment.

341. Tarzia promoted the commentary by streamer Destiny related to Mercante's support of Hasan Piker, which led to people accusing Mercante of antisemitism.

342. Tarzia knew that his audience would harass Mercante regarding her support of Piker.

343. Tarzia knew that his audience would accuse Mercante of antisemitism due to her stance on the Israeli-Palestinian conflict.

344. Tarzia knew that such allegations would affect Mercante's employment with GO Media.

345. As a direct and proximate result of Tarzia's unlawful harassment, Mercante lost her job and had her contract bought out by her now-former employer.

346. Tarzia intentionally and knowingly tortiously interfered with Mercante's contract with her employer.

347. As a result of the interference with that contract, Mercante suffered damages within the jurisdictional limits of this Court.

FIFTH CAUSE OF ACTION

COMMON LAW STOCHASTIC TERRORISM AND/OR PRIMA FACIE TORT

348. This cause of action includes all the forgoing paragraphs, inclusive, by

reference and incorporation.

349. Courts have the common law power to recognize new civilly actionable wrong when appropriate. New York has arguably codified that general power in its cause of action for prima facie tort.

350. Under either approach, however, the harassment campaign above is actionable, as set out below.

351. This cause of action does **not** seek any damages for injury to reputation, or from the falsity of Tarzia's statements.

352. Rather, it seeks damages for the harm caused by the harassment campaign Tarzia has led, including (but not limited to) pain and suffering and mental anguish.

353. Other courts in this nation, including a Washington court, have recognized a new common law tort related to a pattern of escalating harassment, or "stochastic terrorism."⁹⁹

354. According to the Washington court, and supported by similar principles in New York Law, courts should recognize new torts when they identify a trend in the law that justifies the adoption of a new cause of action.

355. Indeed, New York has already made "harassment" a crime. *See* New York Penal Law § 240.

356. Likewise, New York has made bias-related intimidation or harassment

⁹⁹ *See* Default Judgment and Order at 5–6, *Bungie, Inc. v. Comer*, No. 22-2-10761-8 SEA (Wash. Super. Ct., July 11, 2023). *See also* Barnes, Alexander, Real-World Consequences for Online Actions: the Case for Expanding Employee Harassment Protection via Employers' Rights of Action.⁴⁸ SEATTLE U.L. REV. 165 (2024).

a civil cause of action. *See* New York Civil Rights Law § 79-n.

357. Tarzia's conduct demonstrates an escalating pattern of harassing conduct directed specifically at Mercante.

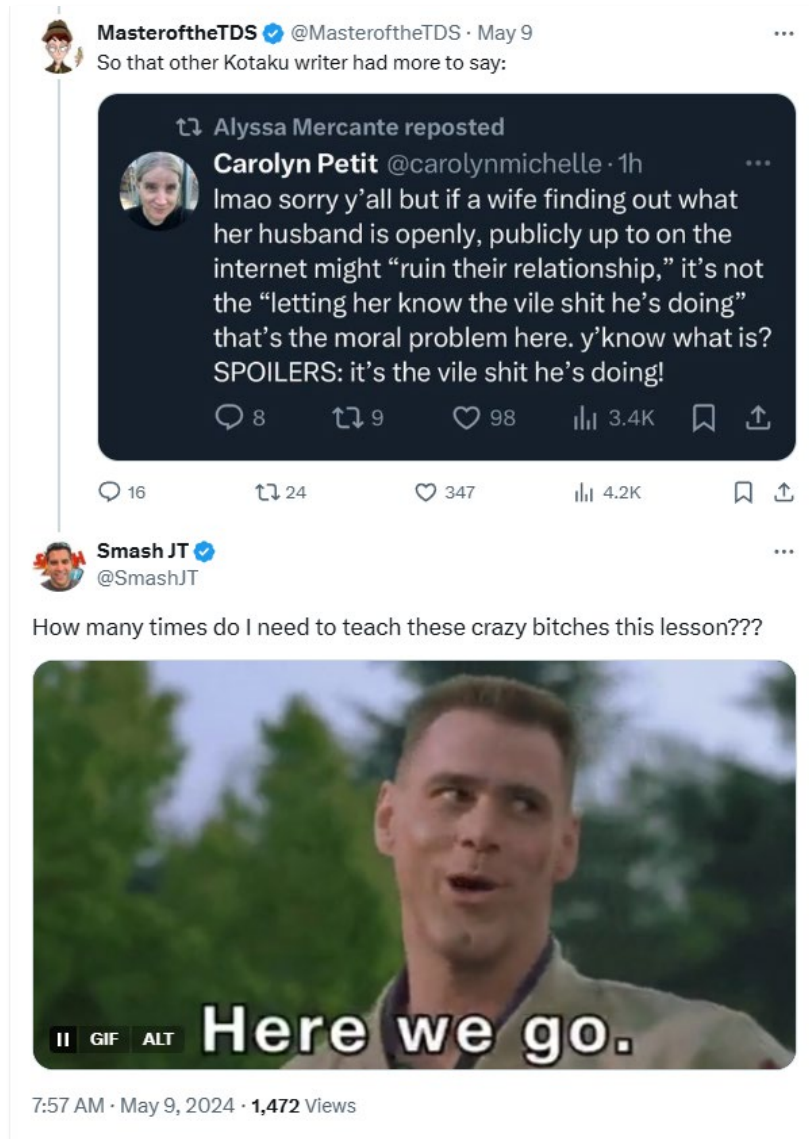


Figure 36 - Tarzia refers to Mercante as a "bitch."

358. That is, Tarzia's aim is "teach[ing] these crazy bitches" — including Mercante — a "lesson."

359. And he does so through stochastic harassment.

360. Tarzia claims that the basis for his campaign is the “betterment of the video games industry,” by which he means the removal of Mercante and people like her from that space.

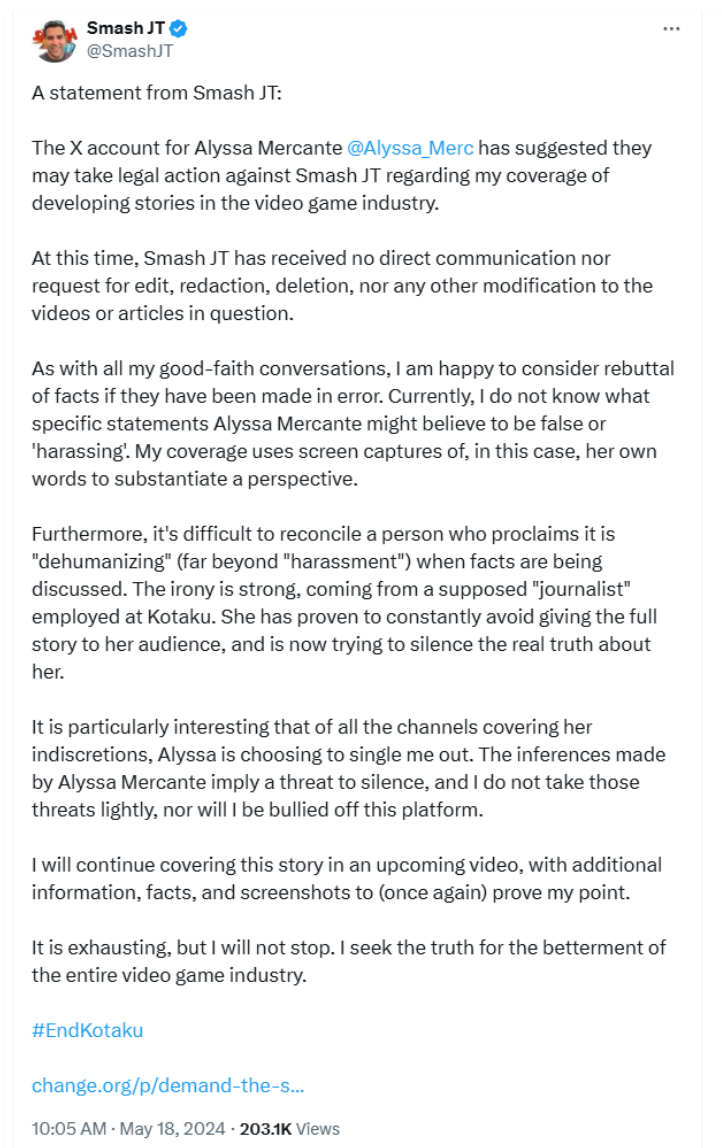


Figure 37 - Tarzia admits his goal is the silencing of people with whom he disagrees.

361. Despite his claim to consider a “rebuttal of facts” if he has made an error, Tarzia refuses to do so.

362. Tarzia refused to consider he was in error concerning Mercante's counsel.

363. When it was pointed out to Tarzia that his statements against Mercante as highlighted in this complaint were likely defamatory, he ignored it.



Figure 38 - Tarzia ignores good advice.

364. Tarzia has been given opportunity after opportunity to de-escalate the situation. He has refused at every turn.

365. And that refusal has stoked harassment by his followers.

366. That stoking is by design.

367. In fact, Tarzia's conduct has become more and more extreme, including personal taunts directed at Mercante.

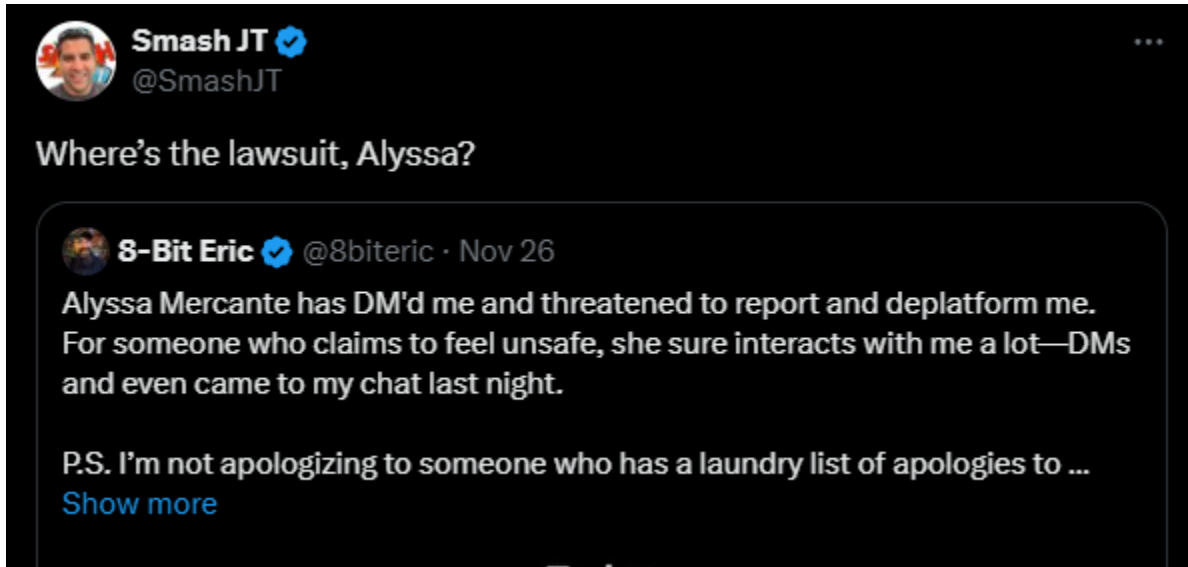


Figure 39 – Asking a question answered by the original complaint, filed shortly thereafter.

368. New York and this Court should recognize a residual liability tort for stochastic terrorism where a person engaged in a targeted pattern of harassment directed at one person, with the express goal of otherwise tortiously interfering in that person's life or livelihood.

369. Because Tarzia has stated on multiple occasions that his goal is the removal of Mercante from the video games journalism space, there is no doubt as to his intentions.

370. Tarzia cannot claim that he, as an influencer and political commentator, is merely participating in the marketplace of ideas when his sole goal is to remove or otherwise silence voices with which he disagrees.

371. Tarzia should not be able to hide behind a pretense of free expression when the sum total of his actions have been to enable a targeted hate mob against one person, costing her livelihood, her peace, and her peace of mind.

372. Tarzia's actions are unusual, extreme, and malicious.

373. Tarzia relies upon false statements, sensationalism, outright lies, and implications that he possesses insider knowledge he never reveals or substantiates.

374. Tarzia relies upon the backing and presence of others within his social circle to harass and intimidate his critics.

375. When presented with conflicting views and evidence, Tarzia ignores them and doubles down upon his lies and prevarications.

376. Doing so has made Tarzia successful within his chosen space.

377. Tarzia therefore has little reason to change his behavior unless made to do so by the law.

378. This Court should impose new tort liability for stochastic terrorism, in accordance with its sister court in Washington, so that Tarzia's wrongs do not go unpunished.

379. In the alternative, the Court should use the elements of prima facie tort here: Tarzia has engaged in (1) intentional infliction of harm, (2) causing special damages, (3) without justification or excuse, (4) by otherwise lawful acts.¹⁰⁰

380. Mercante has undeniably suffered compensable damages within the jurisdiction of this court, including, but not limited to: lost wages, loss of business opportunity, loss of business goodwill, damage to reputation, loss of employment, mental anguish, and punitive damages, for which demand is now made.

¹⁰⁰ Some, but not all, aspects of Tarzia's campaign are actionable as set out above under other theories. Given element (4) of prima facie tort, if the Court takes the prima facie tort approach, that approach would only cover the acts and damages not otherwise covered by a claim proceeding to trial — and this complaint pleads prima facie tort in that regard as an alternative to, not in conjunction with, the claims above that cover the same territory as far as damages or other relief.

PRAYER FOR RELIEF

381. Based on the foregoing, Alyssa Mercante asks that the Court enter judgment in her favor, including, but not limited to:

1. Actual and punitive damages in amounts to be determined at trial;
2. Declaratory judgment on all causes of action;
3. Costs;
4. Any appropriate injunctive relief pursuant to N.Y. Civ. R. L. 79-n(2)
5. Attorneys' fees pursuant to N.Y. Civ. R. L. 79-n(4); and
6. Such other and further relief as this Court may deem just and proper.

JURY DEMAND

382. Plaintiff requests a trial by jury on all claims and issues so triable.

Respectfully submitted,

/s/ Lane Haygood

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